

203. Also, petition of teachers of Orange County, Calif., favoring Smith-Towner educational bill; to the Committee on Education.

204. By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., and sundry members of Monumental Lodge, No. 567, of Baltimore, Md., opposing Cummins antistrike bill; to the Committee on Interstate and Foreign Commerce.

205. Also, petition of United Brotherhood of Carpenters and Joiners of America, Local Union No. 318, opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

206. Also, petition of D. MacCalman, favoring increase in pay and allowances to Army, Navy, Marine Corps, and Public Health Service; to the Committee on Military Affairs.

207. Also, petition of Frank A. Perlman, favoring Royal C. Johnson bill relative to back pay to soldiers, sailors, and marines; to the Committee on Military Affairs.

208. Also, petition of Anna B. Thomas, of Baltimore, Md., opposing compulsory military training; to the Committee on Military Affairs.

209. By Mr. LONERGAN: Petition of Thomas Ashe Branch of Friends of Irish Freedom, urging appointment of a minister or consul to the Republic of Ireland; to the Committee on Foreign Affairs.

210. By Mr. McLAUGHLIN of Nebraska: Petition of the Beatrice Rotary Club, urging an immediate and permanent settlement of the differences between the miners and operators of bituminous coal to the end that a long-suffering public may be relieved of the present disastrous conditions; to the Committee on the Judiciary.

211. By Mr. O'CONNELL: Petition of National Camp, Patriotic Order Sons of America, regarding remedy for reducing the high cost of living and the Mexican situation; to the Committee on Military Affairs.

212. Also, petition of Order of Sleeping Car Conductors, New York, N. Y., concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

213. Also, petition of Abraham Lincoln Branch, Friends of Irish Freedom, indorsing House bill 3404; to the Committee on Foreign Affairs.

214. By Mr. RAKER: Petition of Amapola Parlor, No. 80, Native Daughters of the Golden West, of Sutter Creek, Calif., relating to immigration from Asia; to the Committee on Immigration and Naturalization.

215. Also, petition of Women's Auxiliary, Post Office Clerks, Los Angeles, Calif., urging passage of resolution providing that before 6 a. m. and after 6 p. m. 45 minutes shall constitute an hour's work in the Post Office Department; to the Committee on the Post Office and Post Roads.

216. By Mr. TINKHAM: Petition of executive committee of the Associated Industries of Massachusetts, urging legislation to apprehend all persons circulating seditious propaganda; to the Committee on the Judiciary.

217. Also, petition of Tipperary Association, of Boston, Mass., urging passage of House bill 3404; to the Committee on Foreign Affairs.

218. By Mr. VARE: Petition of National Camp, Patriotic Order Sons of America, demanding United States rights in Mexico and on border; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, December 10, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we sincerely desire to follow the guidance of Divine Providence in the building of this great Nation that Thou has committed to our care. We desire through it to glorify Thy name and to advance the interests of all the people. We bow reverently before Thee asking Thee for all those spiritual qualities of heart and mind that will thoroughly prepare us for the mighty task Thou has committed to our hands. Bless Thy servants in the Senate to-day. For Christ's sake. Amen.

ANDRIEUS A. JONES, a Senator from the State of New Mexico, appeared in his seat to-day.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Elkins	Hale
Ball	Colt	Fernald	Harrison
Beckham	Culberson	France	Johnson, S. Dak.
Calder	Cummins	Frelinghuysen	Jones, Wash.
Capper	Dial	Gay	Keyes

Kirby
La Follette
McKellar
McNary
Nelson

Norris
Overman
Page
Phipps
Ransdell

Sheppard
Sherman
Smith, S. C.
Spencer
Sterling

Thomas
Trammell
Warren
Wolcott

The VICE PRESIDENT. Thirty-nine Senators have answered the roll call. There is no quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KNOX, Mr. MOSES, Mr. POMERENE, Mr. SMITH of Maryland, Mr. WADSWORTH, and Mr. WILLIAMS answered to their names when called.

Mr. LODGE, Mr. JOHNSON of California, Mr. BANKHEAD, Mr. WALSH of Montana, Mr. KING, Mr. BRANDEGEE, Mr. BORAH, Mr. McLEAN, Mr. UNDERWOOD, and Mr. HARDING entered the Chamber and answered to their names.

Mr. LODGE. I wish to announce the necessary absence in the Committee on Finance of the Senator from Kansas [Mr. CURTIS], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Idaho [Mr. NUGENT].

Mr. WALSH of Montana. I wish to announce that the Senator from Nevada [Mr. PITTMAN] is detained by serious illness in his family.

Mr. SHEPPARD. The Senator from Virginia [Mr. SWANSON] is detained on account of illness in his family.

Mr. McKELLAR. I desire to announce that the Senator from Nebraska [Mr. HIRCHCOCK], the Senator from Montana [Mr. MYERS], the Senator from Idaho [Mr. NUGENT], the Senator from North Carolina [Mr. SIMMONS], the Senator from Maryland [Mr. SMITH], and the Senator from Kentucky [Mr. STANLEY] are detained on official business.

I wish also to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from Georgia [Mr. SMITH] are detained from the Senate on public business.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, December 8, 1919, and was interrupted by

Mr. TRAMMELL. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. GAY. I object. Let it be read.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary resumed the reading of the Journal, and was interrupted by

Mr. LODGE. I ask that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. That request was made once and objection was made. Is there further objection?

Mr. GAY. I object.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

ENDOWMENT OF AGRICULTURAL COLLEGES (H. DOC. NO. 495).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements for the fiscal year ending June 30, 1920, made in the States and Territories under the provisions of that act and of an act of Congress approved March 4, 1907, providing for an increase in the annual appropriations for the colleges of agriculture and mechanic arts, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

TRAVEL EXPENSES OF GENERAL LAND OFFICE (H. DOC. NO. 500).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, a report from the Commissioner of the General Land Office showing the traveling expenses incurred in detaching employees from the office of the Surveyor General to another, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE (H. DOC. NO. 498).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a detailed statement of the manner in which the appropriation "Miscellaneous expenses, Department of Agriculture, 1919," has been expended, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

EXPENDITURES UNDER FOOD CONTROL ACT (H. DOC. NO. 501).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a detailed report of expenditures under the act of

August 10, 1917, to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1300) to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE. I ask that the telegram which I send to the desk may be read.

There being no objection, the telegram was read, as follows:

HARTFORD, CONN., December 2, 1919.

HON. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SENATOR: We pray you to present and support the following to the Senate of the United States:

"We, the undersigned citizens of the United States of America, hereby protest against any further continuance of the segregation of colored interstate passengers. We hereby petition you to enact as part of the railroad bill or bills which come before the Senate at this coming regular session an amendment to forbid any separation of passengers for color in interstate travel or any discrimination or any distinction in or denial of any grade thereof for race or color, the Madden amendment offered in the House of Representatives being one which fully covers the case."

THE COLORED MEN'S CIVIC LEAGUE,
Hartford, Conn.

Mr. CAPPER presented memorials of the Central Labor Union of Fort Scott; of the Federated Trades Union of Newton; of the Federated Shop Craft of Neodesha; of the Central Labor Union of Chanute; of Local Lodge No. 420, Boiler Makers' Union, Arkansas City; of Local Branch, Boiler Makers' Union, of Wellington; of Local Union No. 183, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers, of Chanute; of the Shop Employees' Union of Topeka, all of the State of Kansas, remonstrating against the passage of the so-called Cummins railroad bill and praying for two years' extension of Government operation of railroads, which were ordered to lie on the table.

He also presented a memorial of the Federation of Shop Craft of Kansas City, Mo., and a memorial of the Terminal Federation of Kansas City, Mo., remonstrating against the passage of the so-called Cummins railroad bill and praying for two years' extension of Government operation of railroads, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 1847, Farmers' Educational and Cooperative Union of America, of Pleasant Valley, Kans., remonstrating against compulsory military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Central Labor Union, Arkansas City, Kans., remonstrating against the passage of the so-called Cummins railroad bill, which was ordered to lie on the table.

Mr. JONES of Washington presented a petition of the Board of the Employers' Association of the Inland Empire, praying for the enactment of legislation making it a felony for membership in any organization to overthrow the Government, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of Ralph M. Spink Post, No. 97, American Legion, of Ortonville, Minn., praying for the enactment of legislation providing for the deportation of certain aliens, which was referred to the Committee on Immigration.

Mr. SMITH of Maryland. I present a communication from the secretary of the Civic Educational Association of Maryland, which I ask to have printed in the Record and referred to the Committee on Foreign Relations.

There being no objection, the communication was referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

THE CIVIC EDUCATIONAL ASSOCIATION OF MARYLAND,
OFFICE OF THE SECRETARY,
December 4, 1919.

HON. JOHN WALTER SMITH,
United States Senate, Washington, D. C.

DEAR SIR: In order to obtain an expression of opinion from members of the Civic Educational Association of Maryland regarding the proposed treaty of peace with Germany, and

especially the league of nations, a ballot vote was taken of the members. The result of this vote is sent to you in the hope that it may be of value to you in expressing the views on a most important public matter of a nonpartisan organization representative of the best public opinion in the State. The result of the vote showed that the sentiment in favor of a league of nations of some sort is unanimous. The members favor the adherence of the United States to article 10 of the covenant in the proportion of four to one. The members are opposed to the reservations adopted by a majority of the Senate requiring acceptance by the other powers in the proportion of eight to one. The members are in favor of the adoption of a treaty without reservations requiring acceptance by the other powers in the proportion of nine to one.

Realizing fully that this association represents a small number of citizens and is not of great influence in the State, we nevertheless dare to hope that in expressing our views they may be taken by you as entitled to consideration on the grounds that they are the unbiased opinion of an association whose sole object is the advancement of the welfare of the people of this State.

Respectfully, yours,

GEORGE S. YOST, Secretary.

Mr. SMITH of Maryland presented a memorial of the Baltimore Yearly Meeting of Friends, held in Baltimore, Md., remonstrating against compulsory military training, which was referred to the Committee on Military Affairs.

Mr. JOHNSON of South Dakota. I present a memorial of the Central Labor Union, of Aberdeen, S. Dak., remonstrating against the enactment of legislation curtailing the right of organized labor to strike to secure just demands. I ask that the memorial lie on the table and be printed in the Record.

There being no objection, the resolution was ordered to lie on the table and to be printed in the Record, as follows:

ABERDEEN CENTRAL LABOR UNION,
Aberdeen, S. Dak., November 10, 1919.

HON. EDWIN S. JOHNSON,
United States Senate.

DEAR SIR: Aberdeen Central Labor Union, in meeting duly assembled, proposed and passed the following resolution:

"Resolved, That we do hereby protest against the passing of any bill or bills curtailing the right of organized labor collectively to strike to insure their just demands, and hereby request you as our representative to use your vote and influence against such legislation."

Organized labor represents 2,000 votes in Aberdeen, S. Dak.

Respectfully,

GEO. E. MEHNER, President.

Mr. JOHNSON of South Dakota. I also present a memorial of Bridge City Lodge, No. 505, International Association of Machinists, of Mobridge, S. Dak., remonstrating against the passage of the pending railroad bill, which I ask to lie on the table and be printed in the Record.

There being no objection, the resolution was ordered to lie on the table and to be printed in the Record, as follows:

NOVEMBER 7, 1919.

Bridge City Lodge, No. 505, International Association of Machinists, indorses the resolution as adopted by Liberty Lodge, No. 1023, International Association of Machinists, denouncing the Cummins bill and recommending the adoption of the Plumb plan as a just substitute.

[SEAL.]

S. J. BAILEY, President.

R. J. MARTIN,

Recording Secretary.

MOBRIDGE, S. DAK., November 7, 1919.

HON. EDWIN S. JOHNSON.

DEAR SIR: We earnestly ask your support, which we and many citizens of Mobridge, S. Dak., consider is just.

Respectfully,

[SEAL.]

R. J. MARTIN,

Secretary No. 505, I. A. of M.

OIL SITUATION IN MEXICO.

Mr. SHERMAN. Mr. President, I present a communication affecting the oil situation in Mexico, signed by a number of oil companies, and ask that it be printed in the Record without reading.

There being no objection, the communication was referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

NEW YORK, December 8, 1919.

HON. LAWRENCE Y. SHERMAN,

United States Senate, Washington, D. C.

DEAR SIR: Within the last 30 days the Mexican Government, employing its armed soldiers, has stopped American-owned com-

panies from drilling oil wells in Mexico and has locked up their tools under Government seal. The companies are thus deprived of the use and enjoyment of their own properties, and there exists no justification for these high-handed acts.

All of the facts have been communicated to the State Department at Washington. The statements of the companies show in detail the physical acts of confiscation that have occurred. The companies, being in no position to meet force with force, are at the end of their row.

The avowed purpose of the Mexican Government is to nationalize petroleum, and this is its latest move to that end. Nationalization means confiscation in this instance. There is no pretense of compensation, just or otherwise, and there is also lacking the element of national necessity. The scheme was first voiced in article 27 of the Queretaro constitution, effective May 1, 1917, declaring in terms that petroleum belongs to the nation. Then followed various executive decrees, issued in 1918 and ratified by Congress in December of that year, designed to carry the constitutional provision into effect and make it retroactive. The American-owned companies had acquired their properties, consisting of lands in fee and oil leases executed by landowners, prior to the adoption of this constitution and at a time when by express statute landowners owned also any petroleum contained in or found upon the land. So when Carranza undertook to carry out his program in 1918 the State Department at Washington took cognizance and said in effect that such confiscation of vested rights would not be permitted as against citizens of the United States. The Mexican officials then undertook to accomplish their purpose of indirection. The executive submitted to the Mexican Congress an elaborate petroleum bill similar to the decrees, which bill is still pending. Knowing that oil wells do not last forever, the authorities adopted the policy, or retained the previously adopted policy—therefore a mere police regulation—of requiring permits to be obtained before oil wells are drilled, and as a condition annexed to the permits they required the companies to expressly agree in writing to conform to the petroleum law when enacted by Congress. The companies refused to submit to this condition. Some of them offered to stipulate as demanded, with a proviso that the law should not take away any of their vested rights, but that was unsatisfactory to the authorities, and the permits were canceled. Thereupon, as and when the companies felt that the necessities of their business required it, they proceeded to drill without permits. It is this drilling by the companies on their own properties that has been stopped. One large well was brought in without a permit. Its operation is prevented by force.

The companies recognize the property in ordinary circumstances of the Government requiring them to obtain drilling permits. But that practice is warranted only as a police regulation. Here the purpose was ulterior. The permits were issued, but with them was coupled an impossible condition. The fact of issuance shows that all police requirements had been met, and the condition stands out as conclusive proof of the ulterior purpose. It meant that if the petroleum law when enacted should follow the decrees the companies would have surrendered their titles to the Government. True, the petroleum law might give the companies a preference right to prospect for and produce oil in their confiscated properties, but in order to do this, according to the pending bill, they would have to pay royalties to the Government and take a mere mining license subject to the will and future regulations of the Government. That is all they would get in exchange for the rights and titles which they already had bought and paid for, and which they had acquired not from the Government through concession or otherwise but from private landowners whose title to the petroleum was unquestioned. If the Mexican Government could bring about this situation and enforce either the one consequence or the other it could confiscate outright; there is no difference. The case is the same as if a city should covet a lot within its boundaries and when the owner sought a building permit impose the condition that it receive a quitclaim deed for the property. Wrongs which can not be accomplished directly may not be accomplished indirectly.

A vital fact to keep in mind is that these proceedings have occurred under the constitution, which says that petroleum belongs to the nation. It says more, namely, that the nation's ownership is inalienable and imprescriptible. Hence no decree or statute could give more than a temporary license, once the constitution is applied and upheld. And foreign companies could not obtain even that much; they are expressly outlawed by the same constitution. The situation therefore is that the companies are forcibly prevented from taking oil from their properties, and the Government is asserting simultaneously that the oil belongs to the nation—inalienably and imprescriptibly.

The present victims are the producers of one of the most useful products in the world. The oil industry has its place in the front rank of those that are essential. Furthermore, the companies here affected are not of any particular group. They are owned by American stockholders, thousands in number, including men, women, and children. Their operations in Mexico have been conducted by pioneers of the kind that all Americans admire. Many of these pioneers have been murdered while peacefully pursuing their lawful vocations in these oil fields. This part of the price that has been paid should give the case importance even in the eyes of those who would not fight in the defense of mere property rights. But it is not that element of the case that the companies invoke, for they believe that every American who is worthy of deliverance from Bolshevism considers life and liberty themselves of little value except for the guaranties of civilization that go with them, conspicuous among which is the right to acquire and enjoy property as the reward for human effort.

The companies, or many of them, are exporting oil from Mexico and importing the greater portion to the United States, where it is much needed at the present time. They have made large expenditures and have incurred large contractual obligations in anticipation of the development and production of these Mexican properties. Recently their wells in parts of the southern Mexico field have failed very rapidly, going to salt water. The new wells were necessary to meet this contingency. As their old wells cease to produce their business comes to an end. One large company already has reached the point where it no longer has any of this crude for export to the United States or elsewhere. Stress of this kind can not be endured indefinitely.

A claim for damages would be worthless. There could be no ascertainment of the real damages, and the collection would be no less a problem.

The companies appeal to Congress, as they are appealing to the State Department. They ask for protection.

It may not be inappropriate, in conclusion, to advert further but briefly to certain aspects of the matter that extend beyond the commercial interests of the companies. Shipments of oil from Mexico to the United States are now at least 60,000,000 barrels per annum. While some of this goes into light products, a very large part of it is used as fuel. It goes to supply our Navy, the Shipping Board, the Railroad Administration, and hundreds of industries which formerly used coal. These industries can not get coal at this time, and if they are unable to get oil they must shut down. A comparatively small percentage of crude oil produced in this country goes into fuel oil or is suitable for that purpose. If this Mexican supply is cut off or diminished, as certainly will be the case if the companies are not allowed to drill new wells as old wells fail, it will be keenly felt in the United States; adequate supplies of fuel oil will not be available at any price. Therefore if it should fail to protect its citizens abroad our Government by the same failure would bring about unwarranted injury to itself and its citizens at home.

Southern Oil and Transport Corporation, by C. H. Rathbone, vice president; Huasteca Petroleum Co., R. W. Daniels, assistant secretary; The Texas Co., by Ames L. Beatty, general counsel; Chicocillo Petroleum Co., by R. W. Crawford, president; English Oil Co., W. B. Lewis, secretary; Island Oil & Transport Corporation, Julian Perry, vice president; Cia. Transcontinental de Petroleo, by C. O. Swain, general counsel; The National Oil Co. of New Jersey, Guy Evan Alstyne, secretary; Newborg & Co., for Tamalin Petroleum Co., South America, and Tancochin Petroleum Co., South America, by W. L. Hemstadt; Azadon Corporation, by W. L. Hemstadt, president; Malcolm C. Anderson, Panuco Fuel Oil Corporation, Seaboard Fuel Oil Co., South America, Soledad Oil Corporation, by Edward Schwartz, counsel; Panuco-Boston Oil Co., D. Jurell Williams, president; New England Fuel Oil Co., Azteca Petroleum Co., by George C. Green, general counsel; Cortez Oil Corporation, Charles B. Goldehanough, treasurer; Indiana-Mexican Co., by Frank H. Hitchcock; Freeport & Mexican Fuel Oil Corporation, by A. E. Watts, president; Mexican Sinclair Petroleum Corporation, by A. E. Watts, president; Doheny & Bridge; Mexican Seaboard Oil Co., F. N. Watriss, vice president; Continental Mexican Petroleum Co., F. N. Watriss, attorney; Mexican Gulf Oil Co., by William T. Wallace, vice president."

MINISTER TO FINLAND.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (S. 2690) authorizing the appointment of a minister to Finland, reported it with amendments.

EXTENSION OF PASSPORT CONTROL.

Mr. LODGE. I ask unanimous consent that the joint resolution which I send to the desk, and which is reported unanimously from the Committee on Foreign Relations, may be now considered. It is a very brief measure. It simply makes a certain appropriation available at this time, and it ought to be passed at once.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 131) making immediately available the appropriation for the expenses of regulating further the entry of aliens into the United States was read, as follows:

Resolved, etc., That so much of the sum of \$600,000 appropriated by section 4 of the act of October 29, 1919, entitled "An act to regulate further the entry of aliens into the United States," as may be necessary is hereby made immediately available for expenses of regulating entry into the United States, in accordance with the provisions of the act approved May 22, 1918.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

Mr. FRANCE. I was unable to hear the reading of the joint resolution.

Mr. LODGE. I will state to the Senator from Maryland what it is. We passed a bill carrying an appropriation of \$600,000 for the purpose of regulating the entry of aliens, and it ought to be made available at once. The other appropriation is exhausted, and this one ought to be available at once.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator if the appropriation of \$2,450,000 carried in the sundry civil bill for the enforcement of the immigration laws, and so forth, is exhausted?

Mr. LODGE. This joint resolution has nothing to do with that appropriation.

Mr. JONES of Washington. This amount of \$2,450,000 is for the enforcement of the laws regulating the immigration of aliens into the United States—the contract-labor law, and so forth.

Mr. LODGE. This is not for the Bureau of Immigration.

Mr. JONES of Washington. It is for the Immigration Service, Department of Labor.

Mr. LODGE. This is not for the Immigration Service, Department of Labor. This is a measure in regard to the issuance of passports by the Department of State. It has nothing to do with that appropriation. It has already been made.

Mr. JONES of Washington. The act that carries the \$600,000 is entitled "An act to regulate further the entry of aliens into the United States."

Mr. LODGE. Yes; but it does not come under the Bureau of Immigration. It has nothing to do with that. It is a bill that was passed by both Houses and became a law in October last, and it carries an appropriation of \$600,000.

Mr. JONES of Washington. Oh, yes; I have the act here.

Mr. LODGE. The appropriation has been made. Owing to the delay in the proclamation of peace, it has become essential to the department to have some of the money available now. This merely makes an existing appropriation available.

Mr. NELSON. Mr. President, if the Senator will allow me, we have extended the passport law in regard to the admission of foreigners into this country. The passport law was only to remain in force during the war, but we have lately passed in the Senate a bill continuing it.

Mr. LODGE. Absolutely.

Mr. NELSON. And this fund is to be used for that purpose.

Mr. LODGE. It is the only method we have of keeping out certain undesirable aliens.

Mr. JONES of Washington. I have copies of all these acts here, but I simply wanted to call attention to the fact that we have an abundance of money to enforce the laws that we have. The difficulty seems to be that the administration will not enforce the laws that we put upon the statute books. I am not going to interfere with the passage of the Senator's joint resolution. I am just calling attention to the situation.

Mr. LODGE. I think, however, that the Senator misunderstood it. When that appropriation was made, this law was not in existence.

Mr. JONES of Washington. Oh, yes; this law was.

Mr. LODGE. No; it was not in existence.

Mr. JONES of Washington. The sundry civil bill was approved July 19, 1919, and the \$600,000—

Mr. LODGE. And the bill carrying this appropriation was approved October 29, 1919.

Mr. JONES of Washington. But the original act was passed in 1918.

Mr. LODGE. No, no; this special act was approved October 29, 1919.

Mr. KING. Mr. President, if the Senator will permit me, the Senator from Massachusetts is in error, I think. There was an act passed, as the Senator states, during the war.

Mr. LODGE. Certainly there was. I know that.

Mr. KING. And we continued that in force for another year.

Mr. LODGE. We continued that act, and in order to carry it out we appropriated \$600,000. All that this joint resolution proposes is to make available now that money which they need for the enforcement of that particular act.

Mr. KING. I understand; but the Senator, I think, was in error in stating that this was a new statute, or in substance he stated that.

Mr. LODGE. It is a new statute, approved the 29th of October, 1919.

Mr. KING. It is a continuation of an existing law.

Mr. JONES of Washington. I am not going to interfere with the passage of the Senator's joint resolution; but I want to call attention to the fact that in the sundry civil bill of 1919 we appropriated \$2,450,000 for the enforcement of the immigration laws that can be used for the deportation of aliens, and so forth, and that in the deficiency act of November 4, 1919, we appropriated \$200,000 more for the Department of Justice to use in the deportation of aliens, and there was also available for the Department of Labor an additional amount of \$263,000 for the deportation of aliens.

Mr. LODGE. Now, if the Senator will allow me—

Mr. JONES of Washington. If the Senator will just wait a minute, I shall be glad to have \$600,000 made available for the use of the Department of State, but I hope that department will proceed a little bit more energetically and a little bit more actively than the Department of Labor has proceeded under the appropriations that we have made for it.

Mr. LODGE. So do I.

Mr. JONES of Washington. I am glad to make the money available for the State Department.

Mr. KING. Mr. President—

Mr. LODGE. One moment, if the Senator pleases. This joint resolution has nothing whatever to do with deportation. It relates solely to the entry of aliens. It is to prevent the entry of certain aliens by means of the passport system. That is all it proposes.

Mr. JONES of Washington. I hope they will enforce that act with that money better and more promptly than the Department of Labor has done.

Mr. LODGE. So do I. That is the reason why they are asking that the money be made available, so that they may enforce it.

Mr. KING. I hope the Senator from Washington will join with me in having enacted into law a bill which I had the honor to introduce a few days ago, which takes away from the Department of Labor the enforcement of the deportation statute and places it under the head of some other department of the Government, because I agree with the Senator that the Department of Labor has been derelict in its duty.

Mr. JONES of Washington. Yes; if the Senator can find a department that will assure us that it will act more promptly, I will heartily support the measure.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 253, submitted by Mr. FERNALD on the 9th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the resolution of the Senate No. 97, agreed to July 1, 1919, authorizing the Committee on Public Buildings and Grounds of the Senate, or any subcommittee thereof, to send for persons, books, and papers, and to report such hearings as may be had in connection with any subject which may be before said committee, or any subcommittee thereof, be, and the same is hereby, amended to empower said committee to sit and act at such time and place as it may deem necessary; the expenses of travel incident to the sessions of said committee, or any subcommittee thereof, to be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. HARRISON:

A bill (S. 3509) granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi; to the Committee on Commerce.

A bill (S. 3510) authorizing the Secretary of War to donate to the city of Amory, Miss., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 3511) granting a pension to Charles M. Woodworth; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3512) granting a pension to Flora A. Winchester (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO RAILROAD-CONTROL BILL.

Mr. STANLEY submitted an amendment intended to be proposed by him to the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, which was ordered to lie on the table and be printed.

AMENDMENT OF THE RULES.

Mr. KNOX. I present and ask to have read a resolution on a purely formal matter, and I ask unanimous consent for its present consideration. After it has been read, I will explain its purpose in a few words.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Resolved, That the Standing Rules of the Senate be amended by inserting in Rule XXXIV, paragraph 2, line 3, after the word "restaurant," the following: "and the Senate Office Building," so that the rules as amended will comply with the provisions of Senate resolution 291, adopted by the Senate on February 17, 1909.

Mr. KNOX. Mr. President, the explanation of the resolution is this:

On February 17, 1909—CONGRESSIONAL RECORD, volume 43, part 3, Sixtieth Congress, second session, RECORD page 2564—the Senate passed the following resolution, submitted by Mr. Cullom:

Resolved, That on and after the 4th day of March, 1909, the jurisdiction and functions of the Committee on Rules, United States Senate, hitherto exercised in connection with the Senate wing of the Capitol, be, and the same are hereby, extended to cover in like manner jurisdiction over the Senate Office Building; and on and after the 4th day of March, 1909, said committee is hereby authorized and directed to proceed with the assignment of rooms in the Senate Office Building for the use of Senators.

Ever since the passage of that resolution the Senate Committee on Rules has exercised the jurisdiction provided for in the resolution; but the rules themselves have never been amended in order to make them comply with the resolution, and that is the purpose of the resolution that I have just offered.

Mr. KING. Mr. President, as I understand the Senator, the resolution does not extend the jurisdiction of the committee or increase its power over the assignment of rooms?

Mr. KNOX. Not at all. The jurisdiction of the committee was extended to the Senate Office Building by the resolution I have just read, passed in 1900, and has been exercised ever since. This is only to amend the rules of the Senate to comply with the resolution.

The VICE PRESIDENT. This is to be understood as a notice of intention to amend the rules, is it?

Mr. KNOX. I asked unanimous consent for its present consideration, if that is proper under the rule.

Mr. JONES of Washington. Mr. President, I think we had better comply with the rule with reference to giving notice of proposed amendments to the rules.

Mr. KNOX. Very well. Let it be considered, then, as a notice of a proposed amendment of the rules, and I will formally submit the resolution to-morrow.

LAND IN WATERVILLE, ME.

The VICE PRESIDENT. The morning business is closed.

Mr. FERNALD. Mr. President, I ask for the present consideration of the bill (S. 3187) to dispose of a certain strip of public land in Waterville, Me. There is a little piece of land in Waterville on the post-office lot. The department has drawn a bill permitting the sale or lease of the land, and I ask unanimous consent to take the bill from the calendar.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell to the owner of the abutting land, for cash, the strip of land fronting 10 feet on the southeasterly side of Elm Street and extending, of that width, southeasterly along the southwesterly side of the Federal building site in Waterville, Me., a distance of 122 feet 4½ inches, more or less, at a price not less than the pro rata square-foot cost of the land paid by the United States, which strip is not needed by the Government; to convey said land to the purchaser by the usual quit-claim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt. Or the Secretary of the Treasury may, in his discretion, grant said owner an easement in perpetuity in said strip of land for driveway purposes, charging therefor such sum as the Secretary of the Treasury deems just and reasonable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUGAR EQUALIZATION BOARD.

Mr. McNARY. I move that the Senate proceed to the consideration of the bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes.

Mr. GAY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Lodge	Shields
Ball	Gay	McCormick	Smith, Md.
Bankhead	Hale	McKellar	Smith, S. C.
Beckham	Harding	McLean	Spencer
Borah	Harrison	McNary	Stanley
Brandegee	Johnson, Calif.	Moses	Sterling
Capper	Johnson, S. Dak.	Nelson	Sutherland
Chamberlain	Jones, N. Mex.	Norris	Thomas
Colt	Jones, Wash.	Page	Trammell
Culberson	Kenyon	Phipps	Underwood
Cummins	Keyes	Pomerene	Wadsworth
Dial	King	Ransdell	Walsh, Mont.
Elkins	Kirby	Sheppard	Wolcott
Fernald	La Follette	Sherman	

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The Senator from Oregon moves that the Senate proceed to the consideration of Senate bill 3284.

Mr. STERLING. Mr. President, there is another bill—

The VICE PRESIDENT. The bill can not be discussed. The motion has to be put.

Mr. STERLING. I simply wanted to make a statement. I do not want to discuss the bill. I wish to call the attention of the Senate to the reason why I do not move a substitute for the motion of the Senator from Oregon [Mr. McNARY].

Mr. KING. I suggest to the distinguished Senator from South Dakota that we proceed with the motion of the Senator from Oregon. I agree with the Senator that the sedition bill which has been under consideration ought to be taken up, but we can take that up when we get the other out of the road.

Mr. STERLING. I wanted to speak about the urgent need of the passage of that bill, realizing, too, that the sugar bill, to which the Senator from Oregon has called attention and the consideration of which he has moved, is an important measure. I had thought at first that I would move a substitute, but I shall not do that.

The VICE PRESIDENT. That can not be done. The question is on the motion of the Senator from Oregon, that the Senate proceed to the consideration of Senate bill 3284.

Mr. GAY. On the motion of the Senator from Oregon, I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3284) to provide for the national welfare by continuing the United States Sugar Equalization Board until December 31, 1920, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

The amendments were, on page 1, line 3, after the word "authorized," to strike out the words "and directed"; on page 2, line 1, after the word "securing," at the end of the line, to insert a comma and the words "if found necessary for the public good"; on line 3, after the word "sugar," to strike out the word "for," and insert the words "at a fair and reasonable price to"; on line 5, after the word "States," to strike out the words "substantially similar to those employed by the corporation for the year ending December 31, 1919"; and on line 14, after the numerals "1917," to insert a colon and the following proviso: "And provided further, That the provisions of this act shall expire as to the domestic product September 30, 1920," so as to make the bill read:

Be it enacted, etc., That the President is authorized to continue during the year ending December 31, 1920, the United States Sugar Equalization Board (Inc.), a corporation organized under the laws of the State of Delaware, and to vote or use the stock in such corporation held by him for the benefit of the United States, or otherwise exercise his control over the corporation and its directors, in such a manner as to authorize and require them to adopt and carry out until December 31, 1920, plans and methods of securing, if found necessary for the public good, an adequate supply at a reasonable price and an equitable distribution of sugar at a fair and reasonable price to the people of the United States: *Provided*, That after the passage of this act neither the President nor the corporation shall have or exercise, either directly or indirectly, with respect to raw or refined sugar, sirups, or molasses, any of the powers conferred upon the President by section 5 of an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917: *And provided further*, That the provisions of this act shall expire as to the domestic product September 30, 1920.

The amendments were agreed to.

The PRESIDING OFFICER (Mr. STERLING in the chair). The bill is in Committee of the Whole and open to further amendment.

Mr. McNARY. Mr. President, I shall speak but briefly to the measure, in the hope that some action may be taken upon it by the Senate during the morning hour.

I think it is unnecessary for me to say that the sugar situation is critical and cruel and must be corrected. Senators will observe that this proposed legislation simply authorizes the United States Sugar Equalization Board to acquire raw sugars. It does not contain a license provision, such as is to be found in the Lever Act, and which was thought by some to be objectionable. It was the judgment of the Senate Committee on Agriculture and Forestry that the license feature was not necessary to correct conditions that now obtain with respect to the sugar shortage.

Mr. President, I think it might be the part of wisdom for me briefly to refer to legislation that Congress has passed concerning this subject before proceeding to discuss other features of the pending bill.

It will be recalled that in the summer of 1917 Congress passed what was known as the food-control bill, or more generally known as the Lever bill. That measure authorized, among other things, the control of food products and the licensing of those engaged in the manufacture or sale of commodities or products.

Shortly after the enactment of the bill the President of the United States appointed Mr. Herbert C. Hoover administrator to carry into execution the terms and provisions of the measure.

During July, 1917, it appeared to the Food Administrator that there was a shortage of sugar. Attention to that condition was called to the President by Mr. Hoover.

In the latter part of July, 1918, the President, after receiving this information, promulgated an order creating the United States Sugar Equalization Board, composed of eight representative citizens of the country. In order presumably to protect themselves from personal liability, this board did not act under the promulgation order, but incorporated under the laws of the State of Delaware. The capital stock was \$5,000,000, furnished out of the President's emergency fund. The President was the sole stockholder. He elected the directorate. There is a provision in the charter that the stockholders could remove the directors at any time.

Following the incorporation under the laws of the State of Delaware, the President, as the sole stockholder of the corporation, directed the Sugar Equalization Board, then acting as a corporation, to acquire raw sugar. I want the Senate to keep in mind that the board was not acting in a legislative capacity, but in a corporate capacity.

In obedience to the order of the President the Food Administration entered into a voluntary agreement with the cane-sugar producers of Louisiana and the beet-sugar producers in the West whereby these raw sugars for the year 1919 were acquired on terms to be subsequently fixed by the Food Administrator. Later on, in compliance with this contract, the cane-sugar growers of Louisiana and the beet-sugar growers of the West, particularly in the States of California, Utah, Idaho, and Colorado, agreed to sell the refined sugar f. o. b. at 9 cents a pound.

The Sugar Equalization Board then entered the Cuban market, where cane sugar is produced and which is the great reservoir from which we obtain large quantities of our sugar. This unrefined sugar was purchased at 5.5 cents a pound, or \$5.50 per hundred pounds. Agreement was made with the refiners that they should refine the sugar for \$1.54 per hundred pounds. The duty was \$1 per hundred pounds from Cuba. The freight was approximately 38½ cents per hundred pounds, and 38 cents per hundred pounds were retained by the board to defray the cost of administration of the law.

Agreement was made with the refiners that they would sell the refined granulated sugar at 9 cents. It was also determined by an order of the United States Sugar Equalization Board that the brokers should receive about one-fourth of 1 cent per pound for handling this product and the retailers should receive 1 cent per pound, or figures of approximately that amount, which brought the price of the refined sugar to the consumer at practically 10 cents a pound throughout the country.

This scheme worked very well. There was a plenitude of sugar last fall and the spring just behind us, and the consumers were getting a normal supply at a reasonable rate. For some reason unknown to the committee the Sugar Equalization Board in January of this year canceled this order which fixed the price to the consumer at practically 10 cents—that is, they removed the charge that the broker might exact from the retailer and the retailer from the public, leaving, however, the charge to the refiner of 9 cents per pound less 33 cents per hundred pounds retained by the board.

Some time later and during the spring of the present year it was discovered that there was a slowing up in the flow of sugar to the consumer. In July of the present year Mr. George A. Zabriskie, who is president of the Sugar Equalization Board, first noticed a visible shortage. In the summer of 1919, as I say, the shortage was observed by the board and an effort was made to correct the condition. There was plenty of available raw sugar, but it was found that the marine strike along the harbor of the city of New York had prevented shipment of raw sugar from Cuba to the refiners located in the cities of New York and Philadelphia. This strike condition existed for about 30 days. Following that and along in the early part of September the normal flow of sugar from Cuba to the United States was established. The flow of sugar from Cuba, which is about 80,000 tons a month, was restored, but the shortage still continued.

Mr. GAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Louisiana?

Mr. McNARY. I yield.

Mr. GAY. I wish to ask the Senator from Oregon if it is not a fact that there was a great deal of sugar held up in the ports throughout this country, particularly New York, at the time of the longshoremen's strike? Does he know how much sugar was tied up at that time, and is it not his opinion that that affected the shortage very much?

Mr. McNARY. Mr. President, I stated a moment ago that when the shortage became visible in July one of the contributing causes was the marine strike in the State of New York, which prevented the flow of sugar from Cuba, and there may have been some stored in the warehouses. The refiners were busy and refined promptly all the sugar that was brought to them, their capacity being about 80,000 tons a month. That is only one of the contributing causes to the shortage; but, in my opinion, the real cause was a psychological one and that cause is this: It was known generally, or at least becoming known, that we had not acquired the 1920 Cuban crop and that without the Cuban crop there was certain to be a shortage. I think we all know as an economic proposition that an anticipated shortage is an actual shortage. It caused hoarding and storing up in bins—

Mr. POMERENE. And increased prices.

Mr. McNARY. And consequently an increase in price, as suggested by the Senator from Ohio.

At this juncture the Sugar Equalization Board notified the President of the true and yet unhappy condition. At this point I wish to state that while this is perhaps a short digression, yet it fits within the brief statement I wish to make. Attention to the shortage was not called to Congress, but was called to the President by the Sugar Equalization Board, and I have here a statement clipped from the Washington Evening Star of October 31 of the present year, which gives color to many statements that have been made, including one from the Attorney General. It is a misstatement, perhaps not intentional, but so in fact. I read:

Responsibility for the present condition, as well as for that which is expected to arise with the going out of existence of the Sugar Equalization Board, is placed by these men directly with Congress. Failure of that body to authorize the Sugar Equalization Board to buy the Cuban raw sugar crop when such authorization was asked last June, and refusal thus far to provide for continuance of the board, these men declare, are directly and solely responsible for the present condition, and will be the cause of the condition expected to arise after January 1.

That is a statement which I am informed has been reiterated by the Attorney General. No request was ever made to Congress for legislation. Indeed no legislation was necessary.

It was not until some time in the month of September of the present year that the junior Senator from Indiana [Mr. NEW]

directed the attention of this body to the sugar shortage and the possibility of exorbitant prices that would be charged to consumers during the present winter and the spring to come.

The Sugar Equalization Board met and passed resolutions which was transmitted to the President. This action of the board was taken some time in August of the present year and was a response to a letter received from the accredited representatives of the Cuban sugar growers of Cuba. As part of my remarks, I should be obliged if the Secretary would read at this time the communication to which I have just referred.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

GEORGE A. ZABRISKIE,
President Equalization Board,
112 Wall Street, New York City.

DEAR SIR: In pursuance of the informal discussions conducted between the subscribers, speaking by authority for the Cuban Government, the members of the equalization board, as the purchasers and distributors of Cuba's sugar crop for the existing year, we deem it expedient to submit for your information, and as far as you may determine, for your action in continuing the control and disposition of Cuba's crop of sugar for the ensuing year 1920.

In presenting our suggestions, while acting directly for the Cuban sugar producer, we accept the grave responsibility of speaking scarcely less for the American consumer, and for that vast army of foreign consumers whose needs are of such concern to the American Government.

Fortunately for every interest involved the great bulk of sugar required by importing countries is provided by the island of Cuba—but she takes no note of this "coin of vantage"—on the other hand, the island Republic, its hacendados and farmers, and manufacturers of sugar tender through its own Government, providing it meets with the consent and cooperation of the American Government, the entire wealth of her production under such terms as may be agreed upon by the contracting parties at a price moderate, but compensating to the producer and well within the economic reach of the consumer.

This is the fundamental basis upon which our tender is made. If accepted through the continued life and active participation of your respected board, or similar body, the whole question would be greatly simplified. If, on the contrary, the opportunity to serve, not the American people alone but the universal welfare, is for any reason, technical or otherwise, not availed of through one medium or another, there is not a community anywhere in America, in Europe, or Asia that will not feel the consequences of our failure to provide a stable price for this most necessary article of human consumption.

Cuba approaches this question with full recognition of her relations to the American people and their Government and in the spirit of comity and desire for a complete understanding.

We await with unflagging interest your reply, the subject of which we are assured is to you, as it is to us, the most momentous in the world's economy of to-day.

With assurances of great respect,
Faithfully, yours,

R. B. HAWLEY.
MANUEL RIONDA.

Mr. McNARY. Mr. President, the letter just read at the desk was received by Mr. Zabriskie, the president of the Sugar Equalization Board, on the 29th day of July. Without great delay, on the 14th of August, 1919, the letter was transmitted to the President, and with that, as a companion, was a memorandum prepared by seven of the eight members of the equalization board advising the President of the propriety and advisability of buying the Cuban sugar crop. I should like to have this memorandum in the RECORD, though I shall not read it now.

The PRESIDING OFFICER. Without objection, it will be printed in the RECORD.

Mr. GAY. I think it ought to be read. I think we are entitled to know what it is.

Mr. McNARY. Then I recall it. I do not care to take the time which would be required to read it. I will simply repeat, Mr. President, that seven of the members of the board out of the eight advised the President to acquire the Cuban sugar crop, and set forth very substantial reasons for that advice. If anyone desires to follow up that statement to see if my remarks are confirmed I refer him to the sugar-shortage hearings, which were had before the subcommittee of the Senate pursuant to Senate resolution 197.

The letter and memorandum of the 14th of August reached the President, and its receipt was acknowledged by him two days later, on August 16.

Now, in fairness to the board and to the statement made by the junior Senator from Louisiana [Mr. GAY] a few days ago, I will say that it is true that Dr. Taussig, a scholarly gentleman, filed a minority report, wherein he stated that he thought the supply of sugar from Cuba would answer the demands of the public if the law of supply and demand were permitted to take its usual course. Unfortunately, in my opinion, the President followed the advice of Dr. Taussig as against the advice of the board, and no action was taken by the President.

Again, on the 20th day of September, more than five weeks later, Mr. Zabriskie, president of the Sugar Equalization Board, sent a letter to the President, which I ask the Secretary to read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.

SEPTEMBER 20, 1919.

MY DEAR MR. PRESIDENT: Referring now to my letter to you of the 14th day of August inclosing the report from the board of directors of the United States Sugar Equalization Board (Inc.), and also referring to you a letter from the representatives of the Cuban Government and producers of sugar, in reference to the Cuban crop of raw sugars for the year 1919-20, I desire to respectfully bring to your attention the fact that the time is fast approaching, if it has not arrived, when we will be unable to control the Cuban crop of sugar for the year 1919-20 unless action is taken at once.

I am informed that a considerable tonnage of Cuban sugars of the crop of 1919-20 has already been sold, and it seems entirely probable that the representatives of the Cuban sugar will withdraw their proposition unless some action is taken at once.

May I, therefore, respectfully ask an early determination of the policy which the United States Sugar Equalization Board (Inc.) is to pursue with reference to the matter referred to in my letter of the 14th day of August. I know the pressure you are under, and nothing but imperative necessity could make me add this matter to your burdens.

Very respectfully,

GEORGE A. ZABRISKIE, President.

Mr. McNARY. Mr. President, it plainly appears that the Sugar Equalization Board saw the urgency of the President taking action, which had been delayed for several months, and so expressed itself in its communication. On the 22d day of September—the day following but one—the following letter was received by Mr. Zabriskie:

THE WHITE HOUSE,
Washington, September 22, 1919.

MY DEAR SIR: Allow me to acknowledge the receipt of your letter of September 20—

That is the letter just read—

and to say that I shall bring it to the attention of the President at the first favorable opportunity.

Sincerely, yours,

RUDOLPH FORSTER,
Executive Secretary.

Mr. GEORGE A. ZABRISKIE,
President United States Sugar Equalization Board (Inc.),
112 Wall Street, New York City.

So, evidently the communication setting forth the necessity of acquiring this crop in order that we might have a normal supply of sugar was brought to the attention of the President; at least it was conveyed to him. Congress had not yet been apprised of the sugar shortage; no one had been found in the country to say that the law was not ample. The board was incorporated under the Lever bill, which is still in existence. No question was raised as to the authority of the board to act. All they were wanting the President to do was to authorize the board of directors to acquire the Cuban crop.

I do not know the reason why the President did not take this action. It is unfortunate that he did not act; but possibly it was due to his confidence in the judgment of this scholarly gentleman, Dr. Taussig. In any event, however, a serious and vital mistake was made.

Mr. HARRISON. Mr. President, will the Senator from Oregon yield for a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. McNARY. I am very happy to do so.

Mr. HARRISON. Is it not also true that Mr. Glasgow, attorney for the Sugar Equalization Board, in his testimony before the Agricultural Committee stated that it was necessary for Congress to adopt a policy? In other words, that they would not have purchased the Cuban crop of sugar, even though the President had suggested it, without the sanction of Congress?

Mr. McNARY. I will say to the Senator from Mississippi that I can not answer his question directly, but I recall that Judge Glasgow intimated that it would require congressional action, for the reason, as I think he remarked, that the President had failed to employ the power given him under the Lever food-control bill.

Mr. HARRISON. Will the Senator yield until I refresh his memory as to what Mr. Glasgow stated?

Mr. McNARY. I will yield, though I think I am quite conversant with the testimony.

Mr. HARRISON. I read from the hearings, on page 108. The Senator from Nebraska [Mr. NORRIS] asked this question:

Senator NORRIS. If the President had authorized you, would you have done it?

Speaking of the purchase of the Cuban sugar crop.

Mr. GLASGOW. No, sir; not until Congress had given us the powers and they thought it proper. It would come back at last to the discretion of Congress as to whether they desired the distribution of sugar continued.

In response to that the chairman of the Agricultural Committee, the Senator from North Dakota [Mr. GRONNA], said:

The CHAIRMAN. You said something that I think ought to be framed in a gold frame, to the effect that you did not feel like acting until Congress had its say.

Mr. McNARY. I thank the Senator from Mississippi for calling my attention to the testimony. I think I have it very vividly in mind and I recall the statement which he has read; but the statement does not bear the construction which the Senator has placed upon it, for the Lever bill is still in existence, and the board never asked Congress for any legislation. The reason Mr. Glasgow made that remark—and it should be taken in connection with his entire testimony and the existing situation—was that if the war ended and the treaty of peace were ratified, it was thought that under its terms the Lever bill would cease to exist, and he was speaking about legislation which was necessary and designed to carry over the Sugar Equalization Board during the year 1920. That is the answer to the proposition, but in no way does it excuse the President for not advising and directing the Sugar Equalization Board to buy the Cuban crop. I do not mean to stand here and censure the President for a willful act; but I say that he committed a grave error, and the responsibility rests on him, and on him alone, and not on Congress. That is the point I wish to make.

Mr. GAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Louisiana?

Mr. McNARY. I yield for a question.

Mr. GAY. Did not the Sugar Equalization Board have the power to buy the crop of 1920 without any authorization from Congress or any advice from the President?

Mr. McNARY. In connection with that I think we must take into consideration the fact that they were acting as a corporation incorporated under the laws of the State of Delaware, in which corporation the President held all the stock, and the stock had to be voted in order to authorize the board of directors to perform the function of acquiring the crop of sugar. They were not acting as the Sugar Equalization Board in a legislative capacity. If you will bear the distinction in mind between the corporate capacity of this board and its legislative capacity, you can see the necessity and needfulness of the President authorizing the board to acquire the sugar crop.

Mr. GAY. Just one other question, if the Senator will be kind enough to yield.

Mr. McNARY. I yield for a question, but I wish to speed along.

Mr. GAY. I understand the board of directors of the Sugar Equalization Board were reelected in June, and that under their charter they have full power to act without any advice from the President?

Mr. McNARY. Mr. President, I shall hurry on, as I hope to finish this discussion in a very few moments. I have attempted in a few words to fix the responsibility on the President for the situation. That is history. What we must do now, in my opinion, is to enact some legislation on account of the inertia of those who should have enforced and invoked the provisions of the Lever bill. Therefore, I introduced Senate bill 3284, in order that the Sugar Equalization Board in its legislative capacity might be authorized to acquire sugar. That bill was introduced in Congress during the lengthy discussion on the peace treaty. Several times members of the committee sought to get the bill before the Senate, but that required unanimous consent, and, as there was some opposition to the bill, we were unsuccessful. At this time, however, I hope we may reach a determination of the measure.

The question naturally rises whether it is too late to do any good. That brings to me the duty of expression of opinion. A few days ago I attempted to make a survey of the sugar situation. I think I may state that all the raw sugars of the Hawaiian Islands have been purchased by two refiners in California. The beet sugar, perhaps in a large way, has moved to the consuming public, and the cane sugar of Louisiana has partially reached the public; but we must go back to the great sugar reservoir of Cuba. From the survey made by me a few days ago—and for my authority I will give the name of Mr. John H. Wilkins, a large wholesale grocer of this city, who was at one time connected with the Food Administration—it appears that about 750,000 tons of sugar of the Cuban crop of 1920 has been purchased by foreign governments; a like amount, 750,000 additional tons, has been acquired by refiners and speculators in this country, leaving probably 3,000,000 tons undisposed of in Cuba. If those figures are correct, there is no question in my mind that even now we can go into the Cuban market and acquire sugar which will give us a plenitude of this essential product during the season of 1920.

Mr. POMERENE. At what price?

Mr. McNARY. I will reach that later, but at this time I will say that I think by the control we would have over the sugar situation we could get it at a considerably less price than now

obtains, which is about 13½ cents. I hope, however, to discuss that briefly in a moment.

Last year we purchased the whole of the Cuban crop, which was 4,000,000 tons. One-third of that quantity we allowed to pass into the hands of the royal British commission, which disposed of its holdings to Great Britain, to Italy, and to France. We took about 3,000,000 tons, the amount which I think is in Cuba now. That was the fund we used in 1919 and former years; and an equal amount of sugar we can use this year, which will carry us over the present shortage and bring us back to a safe basis and a normal flow of sugar.

Mr. President, this country uses normally about 4,000,000 tons of sugar per annum. This year the consumption may go to 4,500,000 tons. During the war, by a rationing process, our consumption was cut down to 75 pounds per capita. In the days before the war it was 84 pounds. This year it will be practically 93 pounds to an individual. The principal cause for that, if that is a pertinent matter in this connection, is national prohibition. As all observers must remark, when alcoholic beverages are taken away from the average individual accustomed to consuming them it creates a tremendous appetite for sugar, for ice cream, candy, soda water, and all other articles of which sugar is a part. Also it is known that sugar is a great energizing food, and when men who work hard and earn large salaries are in a position to acquire sugar, the first thing they do for themselves and their families is to go to the confectionery stand and indulge abundantly, and that situation has brought about an enormous consumption of sugar, perhaps 12 or 13 pounds per capita more than ever before in the history of the country.

There is a world shortage of sugar of perhaps 3,000,000 tons. England heretofore has used about the same quantity of sugar per capita as the United States, but they have rationed the people of England now to 52 pounds an individual. If, however, the people in their great desire to return to normal conditions and to feed up their appetites demand the normal supply of sugar, which is about 85 pounds per capita, England must of necessity enter into the Cuban market; and if she enters into the Cuban market and takes the sugar, providing she has the credits, a shortage that has never been anticipated will occur in this country.

Before the war the beet sugars grown in Austria-Hungary, in the Balkan States, and in Germany supplied a great part of the demand in Europe; in fact, these countries had sugar for exportation; but when the armies of Germany invaded France the great refineries of northern France disappeared, the sugar land was given over to raising cereals, and in Austria-Hungary social conditions have been such as to prevent the normal supply of beet sugars being raised, with the result that there is a tremendous shortage in the world. I believe, however, that for 1919 and to-day there is not an actual shortage.

From September 1 until December of this year we had 350,000 tons more sugar available than at any other period in the history of the country. That is the actual fact, as testified by the members of the equalization board; but when it became known all over the country that the President had neglected to buy the Cuban crop and that there was a short crop of cane sugar in this country, perhaps not more than 100,000 tons of the 4,000,000 that we consume, speculation became rife; hoarding was plentiful by everybody—the confectioner, the housewife, the broker, the retailer, and perhaps the refiner—and that situation has brought about the present shortage, in my opinion.

The way to correct it is for the American Government, the strongest financial nation in the world, perhaps the only one capable of buying to a great extent, to go down and acquire the Cuban crop; and when the producers of cane sugar in Cuba find that there is only one market open to them in the world, and that is the American market, they will have to come down in their price to an extent that will give them a fair profit and not a hold-up profit.

Mr. Herbert Hoover said to me some weeks ago, after a careful review of the world sugar situation and the cost of raising the Cuban crop, that tremendous profits would inure to the Cuban producers if they received 6½ cents a pound. We paid them last year at the northern ports 5½ cents. I have been told that some raw sugar has been sold this year as high as 13½ cents. That is the raw sugar, the unrefined product. That is mulcting the American public at a figure that is criminal; and, Mr. President, to realize what this means in the way of a toll upon the American public it is only necessary for me to state that if we consume, and we do consume, more than 4,000,000 tons, an increase of 1 cent a pound means \$80,000,000 to the American public, and an increase of 10 cents a pound means \$800,000,000 to the consuming public of America, a sum nearly equal to the cost of administration of the Government prior to

the war. This statement itself ought to bring to our hearts a desire to pass some legislation corrective, if possible, of the conditions that obtain.

Much might be said upon the necessity of legislation, Mr. President. I hope that some action may be taken to-day that the House may get this bill and pass it; and I sincerely believe, after a careful study of all the conditions that relate to this problem, that if we go into the Cuban market and acquire the sugar the consumer of America will save millions and hundreds of millions of dollars.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. McNARY. I yield to the Senator.

Mr. BORAH. I do not want to delay the Senator, but he speaks of going into the market and buying the Cuban sugar. Are we in time to do that?

Mr. McNARY. I stated, perhaps when the Senator from Idaho was away, that on a survey that I caused to be made during the last few days I find practically 3,000,000 tons left in Cuba, a sufficient quantity to satisfy the appetites of the American public.

Mr. BORAH. I did not hear that.

Mr. McNARY. A few weeks ago the Attorney General, or some attaché of his office, issued an order holding the beet-sugar people to 10½ cents a pound for raw sugar, which I think has been increased perhaps to 12 cents now, and after what they call an investigation the Louisiana refined sugar was placed at a figure around 18 cents. I do not want to discuss whether 18 cents or 20 cents is sufficient for Louisiana sugar, because it is a very small quantity of sugar, and I think we all want to see that industry protected so far as we can without fleecing the American public. I want to see it grow to be a grand and magnificent institution in the South. However, I can not conceive the philosophy of an economic rule that will permit refined beet sugar to be sold at 11 cents and refined cane sugar at 18 cents when they meet in competition around the common table. No one, however refined of appetite or technical of sight, can distinguish between refined beet sugar and refined cane sugar. They are as much alike as a row of pins. There is absolutely no difference; and when you go into the store, with Louisiana cane sugar at 18 or 19 cents and beet sugar at 11 or 12 cents, what is the situation? There will not be a divorce of those two sugars, because there is a great affinity between them so far as their interests are concerned. And the public likes one as much as the other. The beet-sugar price will immediately go to 18 cents. It is an absurd economic proposition, and I was startled when I saw in the papers the ruling of the Attorney General. If this bill is passed, this absurd inequality will be forgotten, and the Sugar Equalization Board can get this sugar and make a compact with the refiner, the broker, and the retailer for a fair and reasonable price; and I have no doubt, even though somewhat delayed, that great benefit will inure to the consuming public.

Mr. GAY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Louisiana?

Mr. McNARY. I was about to conclude. I hope that we may proceed with the further consideration of the bill.

Mr. GAY. I should like to ask the Senator a question, if he will be kind enough to answer it. I desire to know how we secured sugar from Cuba prior to the organization of the equalization board? It has always been the great market for the United States.

Mr. McNARY. The Senator knows the answer to that. Before we had the Sugar Equalization Board commercial reasons brought a fair supply to America; but those conditions do not obtain now, and why? Because there is a world shortage and the ordinary law of supply and demand is on the shelf for the present. We have competitors in the Cuban field, in the way of foreign governments, that we never had before. As I stated a few moments ago, the Central European States supplied Europe with sugar and had sugar to export. They have none now. There is a shortage of two or three million tons, and they are about to enter the market, and, in fact and indeed, have done so. That is the difference entirely.

Mr. WALSH of Montana. Mr. President, before the Senator from Oregon takes his seat I should like to ask him a question.

I understood the Senator to say that if this bill were passed, authorizing the equalization board or the equalization corporation to enter the Cuban market, we would then be the only market open to the Cuban grower of sugar; but it occurs to me, from the statement made by the Senator from Oregon, that we would meet there the competition of Great Britain, and that

if the Government of the United States entered that market she would force the Government of Great Britain and the government of almost every other great country needing a sugar supply to enter the market also; and would we not then be competing with those opposing governments in the Cuban market?

Mr. McNARY. No doubt that is true, Mr. President; but I think it is generally conceded that the Cuban would rather have the American dollar than any money that England or any other foreign nation has. The rate of exchange is against the foreign countries in competition with America.

Mr. WALSH of Montana. Exactly.

Mr. McNARY. We can buy it a whole lot cheaper than they can buy it, because we have better security, better credits, and better money.

Mr. WALSH of Montana. Then let me ask the Senator from Oregon whether the American private purchaser would not have exactly the same advantage as against the foreign private purchaser?

Mr. McNARY. There is no question about it.

Mr. WALSH of Montana. How, then, is the situation changed? Is it not a fact, then, that instead of individual purchasers in the United States going into the Cuban market and individual purchasers from Great Britain going into the Cuban market you simply consolidate the purchasers and the one Government bids against the other Government, with exactly the same advantages and disadvantages arising from the rates of exchange?

Mr. McNARY. Oh, I do not think so at all. If you recall the statement made a little while ago from an abstract of an offer made by the Cuban growers, they desire, in order to stabilize prices, to sell in bulk to the American Government. They do not want to deal with the individual speculators of New York and Montana, nor do they desire to deal with the refiner. They want to come together and sell all their raw sugars to this Government, which is their great buyer, as they did last year, and would rather do that, as shown by the evidence here, than to sell to persons here and there, private individuals, or to foreign Governments. So, in my opinion, if we authorize the Sugar Equalization Board to go into Cuba, with the credit of this country back of it, which it would have, and tell those growers, as we did a year ago, that we would take all their sugar and stabilize their price so that there would be no fluctuation in it, we will be able to get all the sugar that is left in Cuba, I have no doubt.

Mr. WALSH of Montana. Mr. President, that is a different reason now assigned by the Senator from Oregon, with reference to which I desire some further information. I have listened very attentively to the Senator from Oregon, and have been enlightened by his discussion of the bill. But I can not quite understand that reason, either. I can not quite understand why the Cuban producer of sugar would not prefer, under the existing circumstances, with the great world shortage, to take the benefit of any higher price that would result from open competition, rather than selling to the Government of the United States at a lower price than the current market price. I can not quite see where the inducement would come in.

Mr. McNARY. I can not reflect, I will say to the Senator from Montana, the mind of the Cuban grower; but I do know from a general study of the conditions and from the record produced before the committee that stabilization of price is a great element to those people, and they would rather sell at a certain figure that would give them a profit than to sell here and there to one individual at one figure and to another at another figure. They want the good will of the American Government, too, and they want to sell to us in the future; and it is their desire plainly, it appears to me, to sell to the American Government the bulk of what remains.

Mr. WALSH of Montana. On what information does the Senator make that statement?

Mr. McNARY. I gather it from the plea they made to the Sugar Equalization Board to take their crop.

Mr. WALSH of Montana. The Cuban planters?

Mr. McNARY. The Cuban planters.

Mr. RANSDELL. Mr. President, will the Senator from Oregon yield for a question?

Mr. McNARY. Very well.

Mr. RANSDELL. I did not wish to interrupt the Senator while he was going on, but I want to ask him one or two questions about the bill.

I see that the bill makes no provision for the fund with which to purchase this very large amount of sugar. I ask the Senator what his idea is about that matter. Where will the money come from with which this four and a half million tons of sugar needed by the American people will be purchased?

Mr. McNARY. I will ask the Senator, as a member of the committee, a question in answer to his question. Where did it come from last year, for the 1919 crop?

Mr. RANDELL. I believe they had about \$5,000,000 to operate on.

Mr. McNARY. I think they still have five million, plus the thirty million in profits.

Mr. RANDELL. I beg the Senator's pardon.

Mr. McNARY. They still have the original capital, plus thirty millions of profit they made by the retention of 38 cents on a hundred pounds of sugar.

Mr. RANDELL. That is a very different proposition from purchasing the Cuban crop last year, and purchasing the entire crop made in Hawaii, made in Porto Rico, made in the beet-sugar States of the West, and the sugar made in Louisiana.

Mr. McNARY. Mr. President, I want to rush along. I do not want to yield to the Senator to make a speech. I have answered the question.

Mr. RANDELL. All right; then I will ask the Senator another question. I understood the Senator to say that the beet-sugar crop was the crop that controlled the whole situation, and that if we could purchase the beet-sugar crop that would settle it.

Mr. McNARY. No; I beg the Senator's pardon. I did not make a statement of that kind at all.

Mr. RANDELL. That was the substance of what the Senator said.

Mr. McNARY. It was not the substance of what I said. I did not say a thing about beet sugar of the West, which amounts to only about 700,000 tons, controlling anything.

Mr. RANDELL. I did not say beet sugar. I understood the Senator to say that the Cuban sugar would control the situation.

Mr. McNARY. I beg the Senator's pardon. I thought he said beet sugar.

Mr. RANDELL. It may be that I said "beet." I beg the Senator's pardon if I used the word "beet." The Senator said the Cuban sugar would control the situation?

Mr. McNARY. Yes, I did.

Mr. RANDELL. Then I will ask the Senator if the whole matter could not be settled by passing a law requiring or authorizing the equalization board to purchase the Cuban crop and not interfere with the beet-sugar growers and the Louisiana growers?

Mr. McNARY. Perhaps so, Mr. President. But when we speak of sugar, we speak of it as a product, without reference to any climate or any growers who may produce it. Under the Lever Act sugar was sugar, and was purchased as such, and, of course, if the beet-sugar men, or the cane-sugar men in the South, want to come without the provisions of the bill, an amendment to that effect could be offered, and I will submit that to the judgment of the Senator from Louisiana.

Mr. RANDELL. Is it not a fact that the Sugar Equalization Board did not purchase the beet-sugar crop last year or the Louisiana cane crop last year, but that they did purchase merely the Cuban crop?

Mr. McNARY. I stated in my argument that they came to a voluntary agreement with the local or domestic growers, and finally they fixed a price that was satisfactory to them, namely, 9 cents a pound.

Mr. RANDELL. If they could get along without purchasing the domestic crop for the last year, why give them power now to purchase the domestic crop? Is not that making an interference now with the domestic producers that we did not find necessary to make while the war was in existence?

Mr. McNARY. I do not think so. But I want to say to the Senator in a very friendly spirit that that is a proposition which can be corrected by an amendment, and I suggest to the Senator, if he thinks the growers in Louisiana should have that protection, that he offer an amendment. I am discussing the bill, and not any proposed or suggested or thought-of amendments.

Mr. RANDELL. I will say to the Senator that that is a matter which is very pertinent. It came up in our committee when we had the bill under discussion, and I tried to offer an amendment of that kind. I offered to support the bill if you would limit it to foreign sugars. I have said that to put it in its present shape would interfere with the domestic product, and I would be compelled to fight it, but that if you would limit it to foreign sugars I would support it.

Mr. KIRBY. Mr. President, I desire to have the statement I send to the desk, which appeared under a Washington date line in one of our home papers, made a part of my remarks.

The PRESIDING OFFICER. The Secretary will read it.

The Secretary read as follows:

FEDERAL CONTROL OF SUGAR TO END—CONGRESS'S FAILURE TO ACT UNDOUBTEDLY WILL MEAN HIGHER PRICES.

WASHINGTON, December 4.

The Government will not attempt to control the disposition and sale of sugar after the Sugar Equalization Board is dissolved on December 31.

Attorney General Palmer, in making this announcement to-day, said that as no funds had been provided by Congress for carrying on the work of handling sugar, the Department of Justice would confine its efforts to the punishment of profiteers.

Mr. Palmer said he had put the proposition up to Congress, as he lacked "both the power and the facilities for obtaining tangible results." After officials had outlined plans for a continuance of the control under the supervision of the Department of Justice, he said, the necessary funds and authority were not forthcoming.

Mr. Palmer's action was accepted as opening up the sources of more sugar supplies by permitting refiners to pay more for the Cuban raw stock. It also was believed to mean that sugar prices would soar. The department will continue to hunt down profiteers, but without means of checking up on the cost to the refiner or without control of the price at which the supplies come into this country. It was believed domestic consumers would be forced to pay high prices after January 1.

Mr. KIRBY. Mr. President, it seems to me that some action ought to be taken by Congress or some authority given to protect the American public in this emergency and condition. It has been stated and admitted here that the beet-sugar producers can make money by selling sugar at 10 cents a pound. It has been stated that we can buy, or could have bought, Cuban sugar at 9 cents, and that they could make money on it at that price or less. It has been insisted here that the Louisiana crop is very short, and that they have only 100,000 tons, one-fortieth of the amount of sugar that is consumed in the United States, and that they can not get along very well without 17 cents a pound.

A wholesale merchant in my State wired me that he could not purchase sugar in New York or through any other of the usual channels of trade, and that he was prohibited by a Government agency from buying beet sugar at 10 cents a pound or any other price. The effect of that will be to compel him to pay whatever price is asked of him for sugar in the zone in which he is allowed to deal, and now the people are paying 20 cents a pound for sugar in my town. The only question here, it seems to me, is, shall the whole United States of America be compelled to buy sugar at 20 cents a pound in order that a hundred thousand tons of sugar may be sold at 17 cents a pound?

Mr. GAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Louisiana?

Mr. KIRBY. Yes.

Mr. GAY. Has the Senator any idea what would have been the price of sugar during the war period had not all of the producers patriotically entered into a contract with the equalization board?

Mr. KIRBY. I do not want to injure anybody. I am not talking—

Mr. GAY. I merely would like to get an expression from the Senator on that point.

Mr. KIRBY. I know that they got as much as their sugar was worth during the war—all of them.

Mr. GAY. That is not an answer to the question.

Mr. KIRBY. That is the result of the whole operation.

Mr. GAY. Mr. Hoover stated, in testifying before a committee, that he thought sugar would have gone to 25 or 30 cents a pound during the war.

Mr. KIRBY. Certainly, and the Government took charge of it to prevent any such outrageous exaction as that; and the Government ought to take charge of it now to prevent any such exaction as is being demanded of the American people.

Mr. GAY. The Senator believes, then, that the Government should enter private enterprise and engage in a business that private individuals are engaged in. Is that his point of view?

Mr. KIRBY. The Senator believes that because of unusual conditions produced on account of the war our whole industrial capacity was strung up to win the war. It takes the production of four men in industry to supply one man fighting at the front. We had 4,800,000 men in the Army, and it took four men at home to supply every one of them. We had to bend every energy to the winning of the war.

Now the war is over. Here are 100,000 tons of sugar in the United States that we want a fair market price for, and shall it be allowed to control the market and run up the price of sugar to 20 cents a pound for all the people of the United States? It would be far better for the Government to pay 17 cents a pound for the 100,000 tons of sugar and buy this other sugar at 6 cents, equalizing the price and bringing it down to 10 or 11 cents, and let the people have and enjoy the benefit

of it. Nobody would suffer then, and everybody would get a fair price for his sugar. Why should not that be done?

Mr. GAY. The Senator is somewhat inaccurate in his statement that the people all over the United States are paying that price. Let me ask him whether he knows why that price prevails in that section of the country?

Mr. KIRBY. My understanding is that it prevails because some authority has designated a zone and compelled our people to buy in that zone, and they are prevented from buying elsewhere.

Mr. GAY. Does the Senator know what authority it was which created that zone?

Mr. KIRBY. I do not know, and I do not care. All I am talking about is the injustice resulting from the fact.

Mr. GAY. I think the Senator ought to know.

Mr. KIRBY. I have no objection to getting the information, but it does not affect the result.

Mr. GAY. The Sugar Equalization Board created the zones, and we are seeking at this time to get away from war-time control, and to get away from the zone system.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. KIRBY. I yield.

Mr. McKELLAR. I was going to ask substantially the same question of the Senator, namely, why is it that under the law, which I understand is still in effect, a zone has been established, in which zone, which includes our part of the country, his State and mine, we have to pay 20 cents a pound for sugar, when sugars in other zones of the country bring a very much lower price?

In this connection, if I may have the attention for a moment of the author of the bill, the Senator from Oregon [Mr. McNARY], the Senator understands that in the zone in which I live, which includes Tennessee, the board of equalization has fixed a wholesale price of 17 cents, as I recall, on sugar, and it is retailing at about 20 cents a pound. It is selling at a very much less price in various other parts of the United States. Should there not be some provision in this bill which would prevent the Sugar Equalization Board from fixing one price on sugar in one part of the country and another price in another part of the country?

Mr. McNARY. I will say to the Senator that this bill does not contemplate price fixing.

Mr. McKELLAR. But the original act, of which this is an amendment, does contemplate price fixing, and under it this monstrous situation has been developed, namely, that in the part of the country where I live there is a zone set apart in which there is a price on sugar 50 to 100 per cent higher than the price in other parts of the country. That ought to be remedied. Should it not be remedied by this bill that the Senator proposes, if we pass it?

Mr. McNARY. I do not see how you can remedy it by the pending bill when the bill does not contain a provision authorizing the board to fix the price, or create zones, or to ration it.

Mr. KIRBY. I think I can answer the question. If we have enough sugar to supply the market and the wants of the people, it does not make any difference about zones; none need be established, and those in existence can be wiped out or abrogated.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3288.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) further to regulate commerce among the States and with foreign nations, and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. FRANCE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Fletcher	La Follette	Reed
Beckham	France	Lodge	Sheppard
Borah	Frelinghuysen	McCormick	Sherman
Brandagee	Gay	McKellar	Shields
Calder	Hale	McNary	Smith, S. C.
Capper	Harding	Nelson	Stanley
Chamberlain	Harrison	Norris	Sterling
Colt	Johnson, Calif.	Nugent	Trammell
Cummins	Johnson, S. Dak.	Overman	Underwood
Curtis	Jones, Wash.	Page	Walsh, Mont.
Dial	Keyes	Phipps	Warren
Elkins	King	Pomerene	Wolcott
Fernald	Kirby	Ransdell	

Mr. WALSH of Montana. I desire to announce that the Senator from Nevada [Mr. PITTMAN] is absent on account of the critical illness of a member of his family.

I wish also to announce that the Senator from Virginia [Mr. SWANSON] is absent on account of illness in his family.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. KIRBY. I understand that the sugar bill has been displaced at this time. I do not care to speak further now, but when it shall again come up I have a few further observations to submit on that measure.

Mr. LA FOLLETTE addressed the Senate in continuation of the speech begun by him yesterday. After having spoken for about an hour and a half,

Mr. KING. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Smith, Md.
Brandagee	Harrison	Moses	Smith, S. C.
Capper	Johnson, Calif.	Myers	Stanley
Chamberlain	Johnson, S. Dak.	New	Sterling
Colt	Jones, N. Mex.	Norris	Trammell
Culberson	Keyes	Overman	Walsh, Mass.
Cummins	King	Page	Walsh, Mont.
Dial	La Follette	Phipps	Warren
Elkins	Lenroot	Pomerene	Williams
France	Lodge	Reed	Wolcott
Gay	McKellar	Sheppard	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. FERNALD and Mr. FRELINGHUYSEN answered to their names when called.

Mr. McLEAN entered the Chamber and answered to his name.

The PRESIDING OFFICER (Mr. MYERS in the chair). Forty-six Senators have answered to their names. There is not a quorum present.

Mr. CUMMINS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. CALDER, Mr. NUGENT, Mr. CURTIS, Mr. SUTHERLAND, and Mr. UNDERWOOD entered the Chamber and answered to their names.

Mr. SHEPPARD. The Senator from Arkansas [Mr. KIRBY], the Senator from Louisiana [Mr. RANDELL], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Florida [Mr. FLETCHER] are absent on official business.

Mr. CURTIS. I wish to announce that four of the Senators that have just responded to the roll call have been attending a meeting of a subcommittee of the Committee on Finance in the Senate Office Building, and we came over just as soon as we heard that a quorum was needed.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present.

Mr. GAY. I offer an amendment to the pending bill, which I will ask to have printed and lie on the table.

The PRESIDING OFFICER. It will be printed and lie on the table.

Mr. McKELLAR. I submit a motion in the form of a resolution reduced to writing, which I ask to have printed and lie on the table. I give notice that I shall call it up at the earliest moment.

The resolution (S. Res. 254) was ordered to lie on the table and be printed, as follows:

Resolved, That the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be recommitted to the Committee on Interstate Commerce with instructions to strike out all after the enacting clause and to report back a bill containing substantially the following:

First. Terminate Federal control and restore the railroads to their several owners in a manner by which active competition in service may be restored and maintained.

Second. For the purpose of enabling carriers by railroad subject to the commerce act properly to serve the public during the transition period immediately following the termination of Federal control; provide for new loans to the railroads under the direction of the Interstate Commerce Commission and with reasonable limitations upon these loans, together with a temporary guaranty of present income for a period of not longer than six months, the House bill provision on the subject of loans to the railroads being deemed a wise and proper provision.

Third. Give to the Interstate Commerce Commission increased powers, including a supervisory jurisdiction over the arbitration of labor troubles, the issuance of railroad securities, and the chartering of additional lines to the end that railroad securities may be stabilized and rendered a safe investment to the public; all dealings of

the several railroad corporations with their employees; all subjects arising out of Federal control; refunding the carriers' indebtedness to the United States; and the establishment of minimum as well as maximum rates.

Fourth. Provide that the existing rates shall be continued in effect, with full power in the Interstate Commerce Commission to raise and fix reasonable rates, to the end that the railroads and the public shall be fairly treated and that each well and efficiently and economically managed railroad shall have a fair chance to earn a reasonable and just income, but without governmental guaranty, and at the same time providing that the railroads giving the public the best service and managing themselves the best shall make the greatest incomes, and that all railroads shall have and retain such incomes as they may rightfully earn, without dividing any portion thereof with the Government or with other less-favored roads.

[Mr. LA FOLLETTE resumed his speech, and after having spoken altogether for about three hours and a half he yielded the floor for the day.]

RECESS.

Mr. CUMMINS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Thursday, December 11, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 10, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, offered the following prayer:

Our Father in heaven, we thank Thee that Thou dost live and reign in the hearts of all pure men. Since religion is the life of God in the soul and though men may differ as to the non-essentials, yet in the last analysis they unite in the essentials and worship Thee in spirit and in truth.

Let Thy blessing descend copiously upon these Representatives of a great people, guide them in their deliberations that they may establish good government throughout our land. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SMITH of Michigan. Mr. Speaker, I would like to ask that Senate concurrent resolution 9 be stricken from the Calendar, the purpose for which it was put upon the Calendar, approving the course of the President in the industrial convention, not being applicable on account of the dissolving of the convention.

The SPEAKER. Will the gentleman bring that up some other morning?

Mr. HULINGS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HULINGS. I desire to ask unanimous consent to have printed in the RECORD a memorial of the American petroleum producers in Mexico. This is a memorial—

CALENDAR WEDNESDAY.

The SPEAKER. The Chair thinks the gentleman should defer that until to-morrow morning. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on the Public Lands.

PREFERRED RIGHT OF HOMESTEAD ENTRY FOR DISCHARGED SOLDIERS, SAILORS, AND MARINES.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up House joint resolution 20.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 20) giving to discharged soldiers, sailors, and marines a preferred right of homestead entry.

The SPEAKER. This is on the Union Calendar and the House automatically—

Mr. SANFORD. Mr. Speaker, I make the point of order that the resolution is privileged. This committee has the right to report this resolution at any time, and therefore it can not be brought up on Calendar Wednesday.

Mr. SINNOTT. Mr. Speaker, the resolution was not reported as a privileged resolution, and therefore it is not a privileged resolution. It is only privileged when reported from the floor.

Mr. SANFORD. It is privileged in the sense that the committee can call it up at any time that it sees fit, and if the committee wanted this resolution considered they could have followed that course and had the resolution brought up at any time.

Mr. SINNOTT. Mr. Speaker, I understand the resolution only will be privileged when it is reported from the floor. In accordance with the rule a resolution is never privileged unless it is reported from the floor.

The SPEAKER. The Chair will consider whether it is privileged or not; the Chair is not familiar with the resolution.

Mr. SANFORD. Mr. Speaker, it is a joint resolution for the reservation of public lands for the benefit of settlers.

Mr. MONDELL. Mr. Speaker, I doubt if this resolution is privileged under the rule. Resolutions and bills from the Committee on the Public Lands reserving lands for homestead settlers are privileged, but this resolution does not reserve lands for homestead settlers. It makes special provision with regard to lands which may be open.

Mr. SINNOTT. Mr. Speaker, I desire to call the attention of the Speaker to section 723 of the Manual, where it states, "but privileged reports must still be made from the floor." Now, unless the report is made from the floor it is not privileged, and this report was made in the ordinary way from the committee, and was not made from the floor, even though it has a privileged status, and I doubt, even with the committee reporting it from the floor, whether it would have a privileged status or would be entitled to be reported from the floor.

Mr. SANFORD. Mr. Speaker, on that question it seems to me it is clear that the report from the floor is a characteristic of a privileged resolution, and is not a test of whether it is privileged or not. If the resolution is privileged the committee can bring it up from the floor at any time, and that is the method provided by the rule. And the fact that the committee does not bring it up from the floor does not change the character of the resolution in any respect.

The SPEAKER. What does the gentleman say in reference to the suggestion made by the gentleman from Wyoming that it is not really a reservation but provides a preference to a certain class of citizens?

Mr. SANFORD. The substance of the bill is that certain rights shall be reserved in these public lands for a certain class of people, and it seems to me it brings it clearly within the rule making it privileged. Certain rights in these public lands are reserved by the joint resolution for a certain class of persons. The only way it is distinguished from a general reservation is that it is for the benefit of a certain class and not everybody. I have no opposition to the joint resolution, but I think it should be brought up some time other than on Calendar Wednesday.

Mr. SINNOTT. Mr. Speaker, that reservation, under Rule LVI, must be for the benefit of "actual and bona fide settlers."

Mr. SANFORD. It is to be understood, I think, that the persons to be benefited by this reservation are to be actual and bona fide settlers.

Mr. SINNOTT. Perhaps it may in the future, but it does not read that way.

The SPEAKER. The Chair did not understand the last statement of the gentleman from Oregon.

Mr. SINNOTT. Under Rule LVI, bills for "the reservation of the public lands for the benefit of actual and bona fide settlers" are bills that have a privileged status when they are properly reported from the floor. This does not reserve lands for actual and bona fide settlers.

The SPEAKER. Why does it not?

Mr. MANN of Illinois. Will the gentleman from New York yield?

Mr. SANFORD. I will.

Mr. MANN of Illinois. Privilege is on the reservation of public lands. I notice this bill provides in reference to both public lands and Indian lands to entry. Has it ever been held that privilege extended to the reservation or the opening of Indian lands and settlements?

Mr. SANFORD. I do not know much about the Indian lands. I should rather leave that to some other gentleman.

Mr. MANN of Illinois. I do not recall.

Mr. SANFORD. I think if they are not public in character they could not very well be opened up.

Mr. MANN of Illinois. We have the power to dispose of Indian lands, and this bill relates to the disposition of Indian lands, not public lands. The bill at least draws a distinction between public lands and Indian lands. It is very seldom that this privilege has been exercised since I have been a Member of the House. My impression has been that it did not apply to Indian lands. Bills for the disposition of Indian lands, of course, usually come from the Committee on Indian Affairs. That committee does not have a privileged status. Now, suppose a bill is introduced providing for the disposition of Indian lands, and instead of being referred to the Committee on Indian Affairs it is referred to the Committee on Public Lands. Would that give the

Committee on Public Lands the right to bring in a privileged report which the committee entitled to jurisdiction, the Indian Affairs Committee, could not bring in?

Mr. SANFORD. Let me ask the gentleman in reply to that: Suppose this committee had attempted to bring in this resolution as a privileged resolution. Do you think anybody would have gotten very far by making the point of order that there was non-privileged matter included in the resolution, because the opening up was to extend to Indian lands as well as public lands? I think not.

Mr. MANN of Illinois. I rather think they would. They certainly would if the Indian land bills are not subject to privilege. And I do not think the purpose of the rule, in the first place, was to give a privileged status to bills providing for the opening and sale of Indian lands.

Mr. MONDELL. Mr. Speaker, my recollection is that only once or twice in the last 20 years has the Committee on Public Lands exercised the privilege of calling up a bill under the rule which has been referred to by the gentleman from New York [Mr. SANFORD].

Mr. TAYLOR of Colorado. Will the gentleman yield to a suggestion?

Mr. MONDELL. I will.

Mr. TAYLOR of Colorado. Is it not true that we have had very great difficulty in getting them up on a special privilege, and usually they vote against it?

Mr. MONDELL. There have been efforts made, but I think in only one, or possibly two, cases successfully, to bring up a bill under that rule. I can not agree with the chairman of the committee that the bill must be reported from the floor, although there have been rulings to that effect. But the privilege, Mr. Speaker, is confined to a very clearly defined class of bills. This bill does not come within that class. And further, the gentleman from Illinois [Mr. MANN] calls attention to the fact that the bill also refers to Indian lands. Well, the rule is that a privileged matter, a bill or resolution containing privileged matter, loses that privilege if it contains any matter that is not privileged, and clearly Indian lands do not come within the privileges of the Committee on Public Lands.

Mr. SANFORD. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. SANFORD. Will the gentleman say—and I think he is well informed—as to whether Indian lands have any public character or not?

Mr. MONDELL. They have a qualified public-land character sometimes. Sometimes they do not have a public-land character. They are frequently purely Indian lands, the property of Indians. That is the class of lands referred to in this case—lands that are property of the Indians, but disposed of one way and another by the Indian Office, the Interior Department, under a variety of laws. And in the latter days we do not buy Indian lands and transfer the title. They now never acquire the status of public lands, as they did in the olden time. Even where a reservation is opened and a cession is made the cession is conditional. The United States only becomes a trustee for the disposition of the land. The title remains with the Indian until the title passes to the individual.

Mr. MANN of Illinois. Mr. Speaker, the rule conferring privilege upon a committee should be strictly construed. It has been held upon a number of occasions, for instance, that the Committee on Appropriations, reporting an ordinary appropriation bill, not one of the regular appropriation bills, does not have a privileged status; that the Committee on Ways and Means reports many bills which do not have a privileged status. And the tendency has been to hold the question of privilege down quite strictly, because the committee reporting a privileged bill has the right to call it up at any time, interfering with all other processes of the House. I think the point made by the gentleman from Oregon [Mr. SINNOTT], that a privileged bill must be reported from the floor of the House, is a good point, and that has been decided in a number of cases where it was attempted to call up a bill as a privilege which had not been reported from the floor of the House, and it makes a considerable degree of difference on a Union Calendar bill, for instance, whether it is reported from the floor of the House and points of order are reserved upon it, as there may be, or whether it is dropped into the basket and points of order can only be made in the Committee of the Whole. Further than that, this bill does not reserve public lands for settlement. It only provides a method of priority in the public settlement, and if it should be held that a bill doing that is privileged, then all bills relating to homesteads or settlement of public lands would be privileged.

Probably most of the bills reported from the Committee on Public Lands would be privileged if a mere incident regarding

the settlement should give it a privileged status. And it seems to me very clear that this bill for those two reasons and for the additional reason that it includes Indian lands which are not public lands, does not have privilege under a reasonably strict construction of the rule.

Mr. SANFORD. Mr. Speaker, I agree with the gentleman from Illinois [Mr. MANN] that the rule by which the privilege of a bill is to be determined should be strictly construed. But as against that we have all the recent precedents of the last few years, that the rule for Calendar Wednesday must also be strictly construed; and I think there is no rule of the House that the Speaker has considered himself required to protect with more care than the rule for the protection of Calendar Wednesday.

Now if, as the gentleman from Illinois insists, the committee, having the right to report at any time, can get its bills up on Calendar Wednesday merely by failure to report a privileged bill from the floor, the protection intended to be given to Calendar Wednesday entirely disappears. It seems to me that the gentleman from Illinois can not consistently argue that the committee, having the right to report at any time, can decide not to report from the floor and by its own decision destroy Calendar Wednesday. It seems to me that argument is entirely untenable. The rule for the protection of Calendar Wednesday is well founded and has good reason back of it. The bills that should come up on Calendar Wednesday are very numerous and very important at the present time. I know myself of a number of very important bills that should come up, and if these committees, having the right to come in any time, can, upon their own decision, destroy Calendar Wednesday, then the rule as to Calendar Wednesday is entirely nullified.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. Certainly.

Mr. WALSH. Does the gentleman contend that a committee having the right to report at any time could include in a privileged bill matter that was entitled to the privilege and which might properly be argued to belong to the jurisdiction of another committee and still have the privilege?

Mr. SANFORD. That question also troubles me somewhat, and I would like to ask the gentleman from Massachusetts what his opinion is on that question. I have not an answer ready. It does seem that that question is left open in the rules. But I would rather not consider that question at this time.

Mr. SINNOTT. Mr. Speaker, that is settled in section 723 of the Manual. "The presence of matter not privileged with privileged matter destroys the privileged character of a bill." On that there are a number of decisions.

Mr. SANFORD. I know of that decision, but as to whether a committee can take that short cut to destroy Calendar Wednesday I am not advised.

Mr. MONDELL. Mr. Speaker, is it conceivable that a committee having the privilege of reporting at any time should endeavor to deprive itself of that privilege? The Committee on Public Lands has the same rights on Calendar Wednesday as any other committee, and having in addition to that certain privileges under the rule, it will not, of course, deprive itself of any privilege it may have because it may avail itself of Calendar Wednesday and its privileges also. I have no doubt that if the committee had felt that they were privileged on this class of bills they would have availed themselves of that privilege long since. I am confident that is true. But, as the gentleman from Illinois [Mr. MANN] just stated, Speakers have always construed the rule of privilege rather narrowly and with a view of not unduly widening the privilege. A homestead bill, a bill providing for homestead settlement and for nothing else, coming from the Committee on Public Lands, is clearly privileged, and such bills have been taken, from time to time, under the privilege granted in the rule, but the committee has never considered that it had a privilege under the rule in respect to bills of this character, of this class.

The SPEAKER. The point raised by the gentleman from New York [Mr. SANFORD] is an interesting one. The Chair is disposed to agree with the gentleman from New York that the committee could not, by reporting a privileged bill through the basket, proceed to take advantage of its own wrong and acquire rights which otherwise it would not have. To the Chair the principal question is whether this is a privileged resolution or not. The language of the rule is very clear. It is limited to bills for the reservation of the public lands for the benefit of actual and bona fide settlers, and it seems to the Chair that the distinction that the gentleman from Oregon [Mr. SINNOTT] makes, that this is not a resolution providing for the reservation of public lands, is well taken, since it merely provides that where there is a reservation an additional privilege shall be granted. The Chair thinks on that ground that the

committee was right in not reporting this resolution from the floor, but placing it in the basket.

The point made by the gentleman from Illinois [Mr. MANN] is unquestionably true. The general rule is that when a privileged bill includes something not privileged, that takes away from it its privilege. That, however, as suggested by the gentleman from New York, raises an intricate question, which it is not necessary to consider here, because the Chair thinks this does not come strictly within the language of the rule, and it is not a resolution purely for the reservation of public lands for the benefit of actual and bona fide settlers.

Accordingly the Chair overrules the point of order. The House automatically resolves itself into Committee of the Whole House for the consideration of the resolution, and the gentleman from Ohio [Mr. LONGWORTH] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of House resolution No. 20, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House joint resolution 20, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 20) giving to discharged soldiers, sailors, and marines a preferred right of homestead entry.

Resolved, etc., That hereafter, for the period of two years following the passage of this act, on the opening of public or Indian lands to entry or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order thereof, provide for a period of not less than 60 days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served not less than 90 days in the Army or Navy of the United States in the war with Germany and been honorably discharged therefrom shall have a preferred right of entry under the homestead law, if duly qualified thereunder, except as against prior existing valid settlement rights.

Sec. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations necessary to carry into full force and effect the provisions hereof.

Mr. SINNOTT. Mr. Chairman, I do not feel that this resolution needs any extended argument. The best arguments for the resolution are the mere reading of the bill and the statement of its purposes.

The resolution is designed to give the soldiers and sailors, those who have served in the war against Germany, a preference right for 60 days when any lands now withdrawn from entry are hereafter restored to entry. The resolution is in line with a great deal of legislation that has been pending and has received considerable discussion throughout the Nation, and it is in line with the resolution adopted at the late meeting of the American Legion. I feel at this time that no extended discussion of the bill is necessary. I therefore reserve the balance of my time. Does the gentleman from Colorado [Mr. TAYLOR] desire some time?

Mr. TAYLOR of Colorado. I have had no requests for time. If any gentleman desires to speak in opposition to the bill, I will be glad to yield him time.

Mr. MORGAN. Will the gentleman yield?

Mr. SINNOTT. I yield to the gentleman from Oklahoma for a question.

Mr. MORGAN. I should like to inquire of the chairman of the committee if these soldiers have the right to file a declaratory statement through an agent, the same as Civil War veterans are allowed to make filings and declaratory statements through an agent?

Mr. SINNOTT. I am not prepared to answer that. Section 2 authorizes the Secretary of the Interior to make any and all regulations necessary to carry into full force and effect the provisions of the act. That may or may not be broad enough to authorize the Secretary to do that. I am not prepared to say.

Mr. MORGAN. I have not followed the legislation on public lands very closely, and I just wondered whether the right to make a declaratory statement under the homestead law through an agent would be accorded to a veteran of the late war the same as it is accorded to a soldier of the Civil War.

Mr. SINNOTT. I am not prepared to answer that question, although I doubt the advisability of anything of that kind. It lends itself to all sorts of schemes, speculation, and the drumming up of applicants by these agents scattered all over the country.

Mr. MORGAN. The gentleman is aware that if a soldier lives in the East, or even in the Middle West, it requires the expenditure of from \$100 to \$300 to enable him to go to the Western States where the public lands will be opened to entry to see whether he can get an entry or not, and if he fails, then he has all that expense for nothing. It seems to me we ought to give to the veterans of the war with Germany the same privileges to make a filing through an agent—that is, without going to the

land—that we have given to Civil War veterans, which they now have. I do not see any reason for discrimination.

Mr. TAYLOR of Colorado. Does not the gentleman very well know that none of the openings which will be made in the future will be very big, and if everybody in the United States goes out there, ninety-nine out of one hundred will not get anything?

Mr. MORGAN. Yes; but that is just the difficulty. Thousands of soldiers would go to these little openings, I suppose, ten times as many as could get quarter sections of land. When they got there I suppose most of them would be disappointed, and they would have had the expense of going perhaps a thousand or two thousand miles and when they got there find there was nothing for them.

Mr. SINNOTT. It may be that in a proper case, where there is going to be a large opening, the Secretary of the Treasury, under section 2, would promulgate the necessary rules to prevent the things which the gentleman is apprehensive about.

Mr. MORGAN. I do not think he would have the authority to do that.

Mr. PARRISH. Will the gentleman yield?

Mr. SINNOTT. I yield to the gentleman from Texas.

Mr. PARRISH. I notice that in the committee amendment, on page 2, line 10, it says:

Provided, That the rights and benefits conferred by this act shall not extend to any person who, having been drafted for military service under the provisions of the selective-service act, shall have refused to render military service or to wear the uniform of a soldier of the United States.

I should like to ask the chairman of the committee if he does not think that the words "sailor or marine" should go in after the word "soldier," so as to make that provision harmonious with the other parts of the bill and make it perfectly clear as to what it means? Then, back in line 8, where it says "military service," it seems to me it ought to read "military or naval service."

I make these suggestions to the chairman of the committee for his consideration.

Mr. SINNOTT. "Military service" is a very broad and general term.

Mr. PARRISH. Would it include naval service?

Mr. SINNOTT. I think it would.

Mr. PARRISH. Would the word "soldier" include sailor or marine?

Mr. SINNOTT. This was drafted with a great deal of care in the department. I think the gentleman from Colorado [Mr. VAILE] had a personal conference with both the Attorney General's office and the War Department.

Mr. PARRISH. Would the word "soldier" include "sailor or marine"? I do not think it would, as a matter of law.

Mr. SINNOTT. I think the term "military service" would include them all.

Mr. TAYLOR of Colorado. Let me suggest that the draft was applicable to the Army, and that the conscientious objectors and those who refused to wear the uniform were not men drafted for the Navy, because men were not drafted into the Navy, but into the Army.

Mr. PARRISH. In reply to the gentleman I will suggest that on page 1, line 9, of the bill it provides for soldiers, sailors, or marines, and I think all parts of the bill ought to be uniform. I do not think any conscientious objectors or slackers ought to have the benefits of the bill, and I want to make it certain to prevent that.

Mr. TAYLOR of Colorado. I see no objection to letting those words go in if they are necessary.

Mr. SINNOTT. I see no particular objection to them. I think they are superfluous.

Mr. BEE. Along the same line as the suggestion of my colleague [Mr. PARRISH], I agree absolutely with the committee provision that conscientious objectors and slackers ought not to receive any of the benefits of this act, but is there not danger that anyone making application for an entry under this act would as a legal proposition bear the burden of affirmatively establishing that he was not a conscientious objector or slacker? In other words, would not the Commissioner of the Land Office, if he be the proper person, require a soldier applying for an entry to make affirmative proof that he was not a conscientious objector?

Mr. MANN of Illinois. His discharge papers would show that.

Mr. SINNOTT. As the gentleman from Illinois [Mr. MANN] suggests, the discharge would show that. He would have probably to furnish his discharge or a certified copy of his discharge papers, which would show at once his status on discharge.

Mr. BEE. Are these conscientious objectors in the attitude of having rendered any service as contemplated by this bill, on page 1—

Who have served in the Army or Navy of the United States.

I want to leave them out, but I do not want to put on the real soldier the burden of proving that he was not a conscientious objector.

Mr. SINNOTT. The conscientious objectors do not receive an honorable discharge.

Mr. BEE. I make this further suggestion to the gentleman from Oregon: A man might have served well in France and yet be court-martialed after he came to this country and not receive an honorable discharge. Yet under the language of the bill he served.

Mr. SINNOTT. Line 1, page 2, requires an honorable discharge.

Mr. BEE. I simply want to be absolutely certain that the good soldier is not laden with the burden of proving that he was not a conscientious objector.

Mr. SINNOTT. The bill says:

Who has served in the Army or Navy of the United States in the war with Germany and been honorably discharged therefrom.

Mr. BEE. If the gentleman is satisfied with the provision, I am.

Mr. TILSON. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. TILSON. I would suggest to the gentleman that, as a matter of fact, discharges given to these men, while not dishonorable in the technical sense of the term, there is written across the face of the discharge the fact that the man rendered no military service. So that, under the terms of the bill as drawn, it seems to me that he would be precluded from taking advantage of this legislation. While not a technically dishonorable discharge, the statement is made upon it that the man refused to render military service, which is almost the language of the bill.

Mr. MOONEY. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. MOONEY. I would like to ask the gentleman if, in his opinion, the language on page 2, line 1, would cover those persons who had been transferred from the active service to the Reserve and returned to civil life. My understanding is they have ruled that a person transferred to the Reserve is not in the Regular Army service.

Mr. SINNOTT. Is not in the Regular Army service?

Mr. MOONEY. Yes.

Mr. SINNOTT. I have an amendment to meet that situation.

Mr. BEE. Will the gentleman yield further?

Mr. SINNOTT. I yield to the gentleman from Texas.

Mr. BEE. It has been suggested to me that a great many conscientious objectors received an honorable discharge before there was agitation to prevent it. Would not that compel the serviceable soldiers to prove that they were not conscientious objectors?

Mr. SINNOTT. I doubt if there were very many in that status. But that would come out in the final proof.

Mr. BEE. It is purely a question of law whether or not this provision would put this burden on the soldier who had been discharged to prove that he was not a conscientious objector?

Mr. BLANTON. Will the gentleman yield?

Mr. SINNOTT. I will yield to the gentleman from Texas.

Mr. BLANTON. One designated as a conscientious objector, to be such would have to make a claim for such exemption at the time the attempt was made to induct him into the service. It ought to be a very easy matter for a man to establish the fact that he was not a conscientious objector, because the War Department could easily ascertain the truth of his assertion. I think it is as little as a soldier can do when he is applying for something that the Government gives him, by reason of having given service to his country, to show that he was not a conscientious objector. Unfortunately many so-called conscientious objectors who flatly refused to don our uniform and refused to serve our flag and country during the war, were paid for full time and received honorable discharges after the armistice was signed. They performed no service whatever.

Mr. TILSON. Will the gentleman yield for a further question?

Mr. SINNOTT. Yes.

Mr. TILSON. The Naval Reserve Force, many of whom went into the Navy during the war, are not discharged at all; but, as I understand the situation, are given an indefinite furlough or placed upon the inactive reserve list. They are to all practical intents and purposes discharged from the service, but technically they stand on the records of the Navy as members of the Naval Reserve Force instead of being actually discharged. In fact, they might in case of emergency be recalled to the colors.

Mr. TAYLOR of Colorado. Do they have any certificate showing that status?

Mr. TILSON. I believe that they do; and that it shows on the certificate that they are not in the active service but in the Naval Reserve.

Mr. TAYLOR of Colorado. Would not that be sufficient?

Mr. TILSON. I do not know.

Mr. SINNOTT. I will state to the gentleman that in order to meet that question raised by the gentleman from Ohio, I propose to offer an amendment, on page 2, after the word "honorably" to insert "separated or," and after the word "therefrom" to insert the following: "placed in the Regular Army Reserves," so that it will read:

been honorably separated or discharged therefrom or placed in the Regular Army Reserves.

Mr. TAYLOR of Colorado. Will that include the Naval Reserve?

Mr. TILSON. Why not add the word "Naval"?

Mr. SINNOTT. I will add the word "Naval," so that it will read "Regular Army or Naval Reserve." Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I notice on the calendar the bill reported from the Committee on Public Lands on the 1st of August, entitled:

A bill (H. R. 487) to provide employment and rural homes for those who have served with the military and naval forces through the reclamation of lands, to be known as the "National soldier settlement act."

A great many discharged soldiers in the country are waiting with a good deal of anxiety and solicitude, as I have personal knowledge of conditions in my own State, to know whether or not the Congress of the United States expects to take any action upon that bill. I had hoped to ask the distinguished Republican leader, Mr. MONDELL, for some information on that proposition, but I note that he is not in the Chamber.

Mr. BLANTON. May I suggest to the gentleman that the great G. O. P. committee is meeting to-day, and probably he is an attendant on that?

Mr. BANKHEAD. I want, in the absence of the Republican leader, who is the author of the bill I have referred to for the benefit of the discharged soldiers, and one they are much interested in and waiting for some action of Congress upon—I want to ask the chairman of the Committee on Public Lands, Mr. SINNOTT, if he can give the committee and the country and the ex-soldiers of the country any assurance that that bill will be taken up at an early date; and if not, what arrangement has been made by the Republican steering committee and those in authority on the other side with reference to that particular piece of legislation?

I do not ask this question in any captious or partisan spirit, but in good faith, because I know in my State of at least one colony of 200 families of ex-soldiers of the late war waiting to find out what Congress is going to do with reference to this bill. I think it is due them and the country for some statement as to the policy on that proposition. I will be glad to yield the remainder of my five minutes to the gentleman from Oregon to give us some information on that subject.

Mr. SINNOTT. Mr. Chairman, the gentleman from Oregon is not one in authority. Furthermore, the gentleman from Oregon does not care to violate the rules of the House by going outside of the discussion of the bill under consideration. This is Calendar Wednesday, and debate is confined to the bill under the rules. The gentleman from Oregon does not care to violate that rule. However, as far as I am able to assure the gentleman, I can assure him that there will be legislation on the subject. At least, there will be as far as I am able to promote it.

Mr. BANKHEAD. Mr. Chairman, that is rather an evasive answer—"there will be legislation." I am sure there will be legislation of some character and description.

Mr. SINNOTT. The gentleman from Oregon is not in a position of authority to speak for the House.

Mr. BANKHEAD. Oh, the gentleman is mistaken in that, because he is in a position of high authority, by virtue of his position as chairman of the great Committee on the Public Lands, which committee could originate and which committee has the power and authority to call up this bill for consideration, if it wants to, to-day.

Mr. SINNOTT. The gentleman from Oregon has reported a bill to the House from the Committee on the Public Lands.

Mr. BANKHEAD. Is the assurance which the gentleman has given me the only assurance that he is in a position to state with reference to this legislation—that there will be some sort of legislation on the subject?

Mr. SINNOTT. Oh, the gentleman from Oregon does not make it in that hazy way that the gentleman from Alabama wishes to put into his mouth.

Mr. BANKHEAD. What legislation will be brought in upon this subject or pressed upon this subject?

Mr. SINNOTT. Mr. Chairman, there is a bill reported at the present time—

Mr. WALSH. Mr. Chairman, I make the point of order that this discussion is out of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. GARD. I am interested in affording all proper relief for our returned soldiers, and so wish to know the construction of the chairman of the committee of the language appearing in line 10, on page 1 of the resolution—

officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in the war with Germany and been honorably discharged therefrom.

I see that the words "not less than 90 days" have been stricken out by a committee amendment. I am wondering whether it would be necessary to have any additional qualifying language or limiting or explanatory word before the word "served." In other words, in some of our legislation we have prefaced the right to participate in certain war benefits by the word "actual."

There is no limitation here, no apparent limitation, and I am wondering what the interpretation of those who have charge of the bill is as to the word "served." Does it mean anyone, even though he was called so late as the latter part of October, 1918, selected under the last conscriptive-service apportionment, who, in fact, never went to a military camp, but merely had the call to service from his local drafting board? Is it the interpretation of the chairman of the committee that such a person would be included, or is it necessary that he be enrolled in the service of the United States?

Mr. SINNOTT. That is the language that has been carried from the Civil War days in statutes giving preference rights to soldiers and sailors, and I think one would have to be enrolled.

Mr. GARD. I think so, too; but would it not be best to carry in this bill an amendment of the nature I indicate?

Mr. SINNOTT. I doubt very much whether it would be wise to amend it, as this language has received interpretation from time to time by the War Department and also by the Interior Department. This is the language that has been used for some time, and I think it would be unwise to modify it.

Mr. GARD. My recollection is that the language of the war-risk act and other language conferring war benefits provides that the person shall have been enrolled in the service of the United States. By that is meant, I should say, that the person has presented himself and has had his name placed upon the roll for actual military service.

Mr. SINNOTT. As I said before, this is language that has been carried in the statutes from Civil War days, and I believe it would be unwise to venture on a modification. I do not know what it would lead us into.

Mr. WELLING. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. WELLING. Will the gentleman tell us how much land is likely to become available for the soldiers under this act?

Mr. SINNOTT. The Secretary reports that that is more or less problematical. There is not very much.

Mr. WELLING. Did the committee have any information before it as to any number of acres that would be thrown open to entry from forest reservations?

Mr. SINNOTT. We have had no specific information. The only information we have is contained in the Secretary's report, and in that he says that the area of said lands will doubtless fall far short of satisfying the demands for homes that will ultimately be made. We have no particular information on that.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. MORGAN. I want to ask a question about the language on page 2 of the bill, beginning in line 2—"if qualified thereunder."

I am not certain about the present law. My memory is that service in the Army in the Civil War would entitle a soldier to make entry regardless of the age. A great many of these soldiers in the late war were under 21 years of age. Would a soldier under 21 years of age be allowed to make entry under the provisions of this resolution?

Mr. SINNOTT. I think he would.

Mr. MORGAN. Is not the gentleman afraid that those words, "if qualified thereunder"—

Mr. SINNOTT. Oh, I think that clause refers to the other qualifications.

Mr. MORGAN. So the gentleman thinks that under existing law a man under 21 years of age, if he is a soldier and is otherwise qualified, could make an entry under this resolution?

Mr. SINNOTT. I think there is no question about that.

Mr. SMITH of Idaho. Mr. Chairman, answering the gentleman from Oklahoma [Mr. MORGAN], the act of August 31, 1918, specifically provides that soldiers under the age of 21 may enter.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield to me for two or three minutes?

Mr. SINNOTT. Certainly.

Mr. MANN of Illinois. Mr. Chairman, I would like to make this inquiry. This resolution proposes to give the soldiers of the recent war a preference for 60 days in making homestead entries. How will that work? Where land is thrown open that is somewhat valuable, will not the soldiers in that locality, regardless of whether they ever intend to live on the land or not, make the homestead entries, so as to practically absorb the land?

Everybody knows that this has been frequently done in the past. There are many underground methods, maybe above-ground methods, by which where a man has made his entry and does not desire to occupy the land he relinquishes his claim and lets somebody else who has paid him for the privilege make a new entry, theoretically impossible put practically done. Will not that be the effect of this? Is not that the way these have always worked? Give a preference for 60 days. If the land is valuable somebody will get it. If the gentleman from Oklahoma had his way about it, I judge, it might be obtained through an agent; have the land out in Oklahoma and the agent for the soldier in Chicago, who never had any intention whatever of leaving Chicago. But as it is, I take it, if the land is in Colorado it will be all filed upon by soldiers in Colorado—all that is of any good. Oh, a few of them may take land, but most of them will never go on the land at all. They relinquish their homestead entry for a consideration.

Mr. SMITH of Idaho. In doing so, however, the entryman would of course waive his right even to make another entry. His homestead entry would be used in making the application and later relinquished.

Mr. MANN of Illinois. Yes; but there are a good many of these soldiers, and most of them have no intention of making homesteads anywhere; but if they can get paid something, they are going to take it. After the Civil War we provided that certain soldiers of the Civil War should have the right to certain public lands throughout the country. That right was not exercised in many cases—in most cases. Some time after I first came to Congress some bright agent had discovered that these soldiers not having taken the land were entitled to script, and they were selling that script at from \$3 to \$5 an acre. That is not covered in this case.

Mr. SMITH of Idaho. But the sale of script only applies where they have taken a portion of their entry and got script for the balance of it. It was where he had actually gone on part of the land and applied probably for half or a quarter and was entitled to script for the remaining 160 acres.

Mr. MANN of Illinois. The gentleman is better informed than I am, although I think there were cases where script applied regardless to their going on the land. I think that was so in some cases.

Mr. SMITH of Idaho. In the Mexican War but not the Civil War.

Mr. MANN of Illinois. Well, the Civil War.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. TAYLOR of Colorado. I want to ask the gentleman from Illinois if there is any more reason to assume soldiers are going to file upon the land they do not want than anybody else are going to file on land they do not want. If anybody is to take the land and have the right to relinquish his right and sell to somebody else, I do not think there will be a very large per cent of that; but if there be, why should not the soldier have that right the same as any other citizen, and why should we assume the soldier is trying to deceive the Government of the United States and get something for nothing any more than anybody else?

Mr. MANN of Illinois. He is not deceiving the United States, but only exercising a right which the Government gives to him, and wherever you give a man a preference right he is disposed to exercise it even though practically it is of no benefit to him.

Mr. TAYLOR of Colorado. Why should not the soldier have the same as anybody else?

Mr. MANN of Illinois. Well, nobody should have it, and the law tries to prevent it, it is true, but you encourage it in this case.

Mr. TAYLOR of Colorado. No.

Mr. SINNOTT. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. SINNOTT. The gentleman's apprehension is that the soldier will transfer his preference right under this bill?

Mr. MANN of Illinois. My apprehension is that he will file under his preference right, and after a while when the time comes he will relinquish the right and let somebody else take the land he had entered upon.

Mr. SINNOTT. Of course, he can not relinquish to anyone else except the Government, and the other man is there when his relinquishment is filed.

Mr. MANN of Illinois. The gentleman and I both know how it is done.

Mr. SMITH of Idaho. The gentleman from Illinois, of course, knows that the entryman makes oath that he intends to make a home on this land in his application.

Mr. MANN of Illinois. They make thousands of oaths that do not amount to much out in the public-land country, I am sorry to say.

The CHAIRMAN. Does any gentleman opposed to the bill desire recognition. If not, the Clerk will read it for amendment.

The Clerk read as follows:

Resolved, etc., That hereafter, for the period of two years following the passage of this act, on the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than 60 days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served not less than 90 days in the Army or Navy of the United States in the war with Germany and been honorably discharged therefrom shall have a preferred right of entry under the homestead law, if duly qualified thereunder, except as against prior existing valid settlement rights.

The committee amendments were read, as follows:

Page 1, line 1, after the word "served," strike out the words "not less than 90 days."

The question was taken, and the amendment was agreed to.

Page 2, line 2, after the word "homestead," strike out the word "law" and insert the words "or desert-land laws."

The question was taken, and the amendment was agreed to.

Page 2, after the word "right," in line 4, insert the following new matter: "and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That the rights and benefits conferred by this act shall not extend to any person who, having been drafted for military service under the provisions of the selective-service act, shall have refused to render military service or to wear the uniform of a soldier of the United States."

Mr. SINNOTT. Mr. Chairman, I desire to offer an amendment to section 1.

The CHAIRMAN. Is it to the section or to the amendment? The question is on the committee amendment.

Mr. PARRISH. Line 10, page 2, after the word "military," insert "or naval," and then, after the word "of," in line 10, strike out "a soldier" and insert "such service."

The CHAIRMAN. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARRISH: Page 2, line 10, after the word "military," insert the words "or naval"; after the word "of," strike out the words "a soldier" and insert the words "such service," so that amended line will read: "shall have refused to render military or naval service or to wear the uniform of such service of the United States."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. MANN of Illinois. Mr. Chairman, that would make the amendment read that if anybody who has been drafted for military service "shall have refused to render military or naval service." I do not recall whether the draft extended to the Navy or not. Did the selective-draft law apply to the naval service?

Mr. PARRISH. It applied to all services.

Mr. TAYLOR of Colorado. The draft act did not apply to the Navy, did it?

Mr. MANN of Illinois. No.

Mr. PARRISH. Yes; it applied to all of them. They assigned from the Army to the Navy, though.

Mr. MANN of Illinois. I think it was voluntary.

Mr. WALSH. Will the gentleman yield?

Mr. MANN of Illinois. I yield.

Mr. WALSH. I think in the latter part of the activity of recruiting our Army and Navy forces the men were drafted, and they shut down on accepting volunteers in the Navy, and men who were taken under the selective-service law were assigned by authorities to the Navy and to the other branches of the service; so that men who were drafted were, as a matter of fact, put into the naval service.

Mr. MANN of Illinois. Undoubtedly; but I think, as a matter of fact, they were given option as to going into the naval service. The law otherwise would put them in the military service. The object of the gentleman's amendment is "if they

refuse to render military or naval service." They may not have refused to render naval and military service, but just refused to render military service.

Mr. PARRISH. Would the adding of the same words "or naval," after the word "military" in line 9, meet the objection?

Mr. MANN of Illinois. I doubt whether there is any law providing for drafting for the naval service.

Mr. BLANTON. There was not.

Mr. MANN of Illinois. I do not remember, but somebody who was here at that time may. I was away most of the time. If there was not any, it is not desirable to put a question of that sort into a bill like this.

Mr. GARD. Will the gentleman yield?

Mr. MANN of Illinois. I yield the floor to the gentleman, or to the gentleman just as he desires.

Mr. GARD. I desire to ask the gentleman from Illinois if he does not think the amendment of the gentleman from Texas would be better expressed if we would allow the language to remain as it is up to the words "of a soldier," in line 10, and strike out the words "a soldier of," and put in the words "such service," so that it would apply to all who were in the military service? My recollection is that the method of selective draft was confined, in the first instance, to those who were in the Army, and that the department had the privilege of taking from the draft certain persons and placing them in the naval service, but that the draft primarily was for selective Army service. But the whole thing was a military service, whether it was in the Army or in the Navy. I think if you retain the words "military service" and then strike out the word "soldier," because they may be held to include the Army part of the military service, the amendment would be better expressed.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARRISH. Mr. Chairman, in view of what has been said—

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARRISH. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to withdraw the first amendment I offered, or the part which inserts "or naval service."

The CHAIRMAN. First, the gentleman from Texas asks unanimous consent to withdraw the amendment heretofore offered. Is there objection? [After a pause.] The Chair hears none.

Mr. PARRISH. I offer it as to the last amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. PARRISH moves to amend, page 2, line 10, by striking out the words "a soldier" and inserting in lieu thereof the words "such service."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WALSH. Mr. Chairman, I think the amendment of the gentleman as now offered covers what he intends to correct, but it seems to me if we are going to change this phraseology the language ought to be amended by striking out, in line 8, the words "or military service," so that it would read, "having been drafted under the provisions of the selective-service act," and go on and say, "shall have refused to render service or to wear the uniform of such service of the United States." Because, as I recall it, the selective-service law was amended so as to include the Navy in the Military Establishment, so that it would apply to each branch of the service. Of course, the gentleman from Texas desires now to have it apply only to the service that was brought under the selective-service law. That law was later amended. I think if we strike out the words "military service," in line 8, it would improve the phraseology.

Mr. PARRISH. Would it not improve it still further by not striking out "military service," but simply striking out "military," so that it will read:

That the rights and benefits of this act shall not extend to any person who shall have refused to render service or to wear the uniform of service of the United States.

Mr. WALSH. Yes.

Mr. PARRISH. I think, Mr. Chairman, in reply to the gentleman from Massachusetts and the gentleman from Illinois that their suggestions are good, and if I may have the permission to do so, I will ask that the amendment include also the striking out of the word "military" in line 8 and also the word "military" in lines 9 and 10.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment in the manner indicated. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

Mr. MANN of Illinois. Mr. Chairman, I think we ought to insert the word "such" before the word "service," in line 10, and strike out the words "a soldier" and insert the words "such service."

Mr. GARD. That is in the amendment.

Mr. PARRISH. Yes; that is already in the amendment.

The CHAIRMAN. The Clerk will report the amendment as now modified.

The Clerk read as follows:

Mr. PARRISH moves to amend, on page 2, line 8, by striking out the word "military," in lines 9 and 10, and in line 10 striking out the words "a soldier" and inserting in lieu thereof "such service," and inserting the word "such" after the word "render," in line 9.

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

Mr. SMITH of Idaho. Mr. Chairman, I wish to offer an amendment to the committee amendment.

The CHAIRMAN. That amendment would not be in order now. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now comes on agreeing to the committee amendment as amended.

Mr. SMITH of Idaho. Mr. Chairman, when will my amendment be in order?

The CHAIRMAN. It will not be in order until later. The question is on agreeing to the amendment as amended.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 42, noes 0.

So the amendment as amended was agreed to.

Mr. SINNOTT. Mr. Chairman, I offer an amendment, which I have just sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 2, line 1, after the word "honorably," insert the words "separated or"; also after the word "therefrom," in the same line and page, insert "or placed in the Regular Army or Naval Reserve."

Mr. SINNOTT. Mr. Chairman, there has always been some question as to whether or not a former soldier who has been placed in the Regular Army Reserve is completely discharged from the service. It is sometimes referred to as "a separation" and sometimes it is referred to as "a discharge." In order to meet that question I have offered that amendment.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. MANN of Illinois. Is that the language of description, "The Regular Army or Naval Reserve"?

Mr. SINNOTT. The Regular Army Reserve—I am sure of that. We had that question up. The matter of the Naval Reserve was suggested by another gentleman.

Mr. MANN of Illinois. That is the accepted description?

Mr. SINNOTT. Yes; "Regular Army Reserve" is the language of the committee.

Mr. MANN of Illinois. Suggested to the committee by the department?

Mr. SINNOTT. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. SINNOTT].

The amendment was agreed to.

Mr. SMITH of Idaho. Mr. Chairman, I wish to amend line 8, page 1, after the word "than," by striking out the word "sixty" and inserting the word "ninety."

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Idaho: Page 1, line 8, after the word "than," strike out the word "sixty" and insert the word "ninety."

Mr. SMITH of Idaho. Mr. Chairman, this amendment should be adopted, for the reason that there may be an opening of public lands after the land is surveyed, or there may be Indian lands thrown open to entry or lands restored to entry, without the information becoming generally known. Soldiers living remote from the lands, although possibly in the same land district, may not be aware of the fact that the lands are open for entry; and, in order to be fair to those who reside some distance from the land, I think 30 days additional should be given in which to make entry.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. WALSH. Those conditions might prevail if you made it 90 days.

Mr. SMITH of Idaho. Perhaps so; but 60 days is a short time in which to advertise these openings. Frequently land is opened after a survey without notice being given, except merely a statement as a news item in the local newspaper; and in order to be fair to the soldiers living some distance from the land, it seems to me that 30 days additional should be given, so that they can have 90 days' notice in all.

Mr. MORGAN. Mr. Chairman, I move to amend the amendment by striking out the word "ninety" and inserting in lieu thereof "one hundred and eighty."

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Amend the amendment by striking out the word "ninety" and inserting in lieu thereof the words "one hundred and eighty."

Mr. MORGAN. Mr. Chairman, I hope I can get attention on this proposition. At first glance it seems to me that this might be allowing too much time, but I have come to this conclusion, that the remaining public lands that are worth entering at all ought to be solemnly dedicated for the use and benefit of our soldiers, and that is the principle that this House ought to act upon. Four million men are an ample number to acquire, one hundred times over, every foot of public land that is to be opened—that is, such land as a man can possibly make a living upon.

Now, this bill seems to be fair, because it is giving the soldier 60 days' time in which he shall have the preferential right to enter these lands.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. WALSH. The gentleman will notice that that is only for the period of two years.

Mr. MORGAN. Yes; and I will state to the gentleman that I have an amendment to offer to that, and my amendment will be to strike out these words, "for a period of two years," and leave it so that we establish a principle hereafter, not simply for two years. What is the argument for two years? What is the object of that? If it is right to give them a preferential right on lands opened in the next two years, it would be right to give that perpetually.

Four millions of men, three-fourths of whom have not homes! We have but little available public land left. Why not here in this House to-day, in this hour, recognize the principle that these lands, available and useful and suitable for homes, shall be solemnly given and set over to the soldier? To allow only 60 days is insignificant. As the gentleman from Idaho [Mr. SMITH] well says, 60 days is too short. Of course, if my amendment does not carry, I will vote for his, providing for 90 days.

Now, gentlemen from the Western States need not be afraid that these lands will not be taken. There will be plenty of soldiers in this country to take all these lands, so that you do not need the public to come in and take these lands. I think we have the right to say to the soldier, "You shall have these lands," and I believe the public sentiment of this Nation would say that it is right.

Mr. BLANTON. Will the gentleman yield?

Mr. MORGAN. Certainly.

Mr. BLANTON. Has the gentleman's amendment been approved by the Republican national committee, which is now in session?

Mr. MORGAN. I dislike to have the gentleman from Texas try to inject something partisan into this measure.

Mr. BLANTON. I am rather in favor of the gentleman's amendment. I feel inclined to vote for it.

Mr. MORGAN. Then the gentleman should put honest questions for the purpose of enlightening the House. The gentleman knows that his question was a partisan question, put for the purpose of introducing politics into this discussion. The gentleman knows he is not acting in good faith in putting such a question as that to me. Why does he insist on going on here putting these questions? If he is a friend of the soldier, why not discuss this question honestly? Why be trying to raise a question of partisanship here?

Mr. BLANTON. Will the gentleman yield further?

Mr. MORGAN. I will not yield further for any such question as that.

I hope my amendment will be adopted. Let each side of this House here solemnly declare that these lands shall be dedicated to the noble purpose of providing homes for our soldiers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask to be recognized on the gentleman's amendment.

Mr. WALSH. Mr. Chairman, I am opposed to the gentleman's amendment.

Mr. BLANTON. I am now opposed to the gentleman's amendment.

Mr. BENHAM. You just said you were in favor of it.

Mr. WALSH. The gentleman from Texas said he was in favor of the amendment of the gentleman from Oklahoma.

Mr. MANN of Illinois. The gentleman said he was going to vote for it.

Mr. BLANTON. I was in favor of it, but the gentleman got so partisan that I can not stay with him.

Mr. Chairman, I want to say that I have been with the gentleman from Oklahoma all along in his contention that something ought to be done for the soldier who has returned from France after doing honorable service to his flag and his country. What I said to the gentleman which he deemed to be partisan was strictly in line with the position that the gentleman himself has taken on the floor of this House and elsewhere during the present session of Congress. The gentleman has been urging Congress to do something for the soldier. Bill after bill has been before this committee proposing to do something for the returned soldier, with no definite action whatever taken by the committee, and here we are frittering away the time of the House on chicken-feed legislation and doing nothing of permanent advantage for the soldiers of this country.

Mr. WALSH. Mr. Chairman, I rise to a point of order. The gentleman is not discussing the amendment.

The CHAIRMAN. The Chair is inclined to think the point of order is well taken.

Mr. BLANTON. May I discuss the point of order with the Chairman?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. This measure proposes that for two years the soldiers of the country shall be given 60 days' preference right to file on and purchase certain public lands from the Government. The distinguished gentleman from Oklahoma [Mr. MORGAN], having in his breast a feeling of interest in behalf of the soldier—something that I can not say a majority of his colleagues on that side of the House seemingly have—wants to do more for the soldier than the committee has offered to do. He has offered to give him this preference right not for 60 days, not for 90 days, as suggested by the gentleman from Idaho [Mr. SMITH], but for 180 days, and at first, as long as he would let me, I agreed with him. I agree with the principle that something should be done.

The CHAIRMAN. The Chair is inclined to think that the gentleman is adhering to the rule, and the Chair overrules the point of order.

Mr. BLANTON. I hope the Chair will not take the discussion of the point of order out of my time. I want to ask the gentleman from Oklahoma if he agrees with the steering committee of his party that this little, measly bill that is now before the House is all that should be done for the soldiers of our country? Does he believe that the 4,000,000 soldiers whom he has referred to will be satisfied if this House merely passes a measure giving them 60 or 90 days' or even 180 days' preference right to file upon and purchase public lands? Does he believe that is going to satisfy the patriotic soldiers of this country? If he does not believe it, why does he not get in behind this committee? Why does he not get in behind the steering committee of his party and insist that they shall bring proper legislation before this House, and not let week after week and month after month fritter by with nothing done in their behalf? Is it not partisan politics influencing the majority that is responsible for such continued inaction?

Am I a partisan? I want to say if I am the gentleman ought to agree with me, and he ought to approve of the partisanship I show. Partisanship for whom? Partisanship for the soldiers of our country. I am sure the gentleman agrees with me on that subject.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma to the amendment offered by the gentleman from Idaho.

Mr. TAYLOR of Colorado. I rise in opposition to the amendment. I believe it is entirely unnecessary and would be unfortunate. As a matter of fact, this amendment might hold every opening open for six months and largely destroy the whole value of it. When a tract of land is opened up for settlement it may be so small that it would only allow a comparatively few applications, and if you hold it up for six months, after many more applications have been already made than the amount of land will accommodate, that is not fair to those who are entitled to go on the land. The committee first thought of fixing this at

90 days. Then we said 30 days would probably be long enough, and we compromised on 60 days. I have no objection to 90 days, but what is the necessity of holding a drawing open for six months when it will all be taken up within less than 30 days.

Mr. MORGAN. Is not the gentleman sure of this fact, that there will be ample soldiers to take all of these little reservations as they come up?

Mr. TAYLOR of Colorado. Oh, yes. The soldiers will take it all, and I am in favor of their getting it if they want it, and they will, and there will be none of these lands that will go to any others during the next two years if this bill passes.

Mr. MORGAN. Then if you say they will all be taken in 60 or 90 days—

Mr. TAYLOR of Colorado. They will probably all be taken in 10 days.

Mr. MORGAN. Then what harm can come to leave them open for 180 days? The land will all be gone anyway.

Mr. TAYLOR of Colorado. It holds the whole thing up. The drawing can not be closed. No one can learn where he stands.

Mr. MORGAN. When the land is gone there is nothing to hold up.

Mr. TAYLOR of Colorado. They could not do anything or learn who got the land until the six months are up.

Mr. MORGAN. Oh, yes; they can.

Mr. TAYLOR of Colorado. Nobody would know whether he is going to get any land or not until the preference period has expired. It holds everybody up for six months without knowing whether he is going to get anything or not. It would be a great hardship and detriment to make everybody wait six months.

Mr. MORGAN. When a man applies for a piece of land he goes on the land.

Mr. TAYLOR of Colorado. Not if ten times as many apply to file as there are acres, and you would hold the whole thing open and unsettled. Everybody would have to wait six months before he learned whether he had drawn a piece of land or not.

Mr. MORGAN. Would you consent to give these lands entirely to the soldiers?

Mr. TAYLOR of Colorado. Yes; I do not think there is going to be a great many of these openings anyhow. I do not think this bill is going to furnish anything like as many homes for soldiers as I would like to see.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. TIMBERLAKE. The objection the gentleman makes that it would hold the whole thing open for six months, it seems to me, is not well taken.

Mr. TAYLOR of Colorado. Suppose there is only enough land for 100 entries and there are 500 applicants within 30 days; they are not going to know whether their application is allowed until the end of the six-month period. That is unnecessarily holding them up for all that extra time.

Mr. TIMBERLAKE. I think the local land office would act on the applications as they came in. If the soldier should apply for land that was shown on the books to be open, it would be acted upon immediately.

Mr. TAYLOR of Colorado. They would not make a report until after the filing period.

Mr. TIMBERLAKE. That is true of all the lands embraced in the reservation, but the local office would act immediately on the applications as presented, provided it was a soldier to whom this right is given.

Mr. TAYLOR of Colorado. I do not think that is the practice. As long as a drawing is held open it will be first for the soldiers to file on and then the civilians. There may be a piece of worthless ground—

Mr. TIMBERLAKE. I have had a good deal of experience in the Land Office, and I will say that the practice would be that where provision was made for a certain class of applicants, when an individual of that class presented his application for land which was shown on the records to be open his application would be acted upon immediately.

Mr. TAYLOR of Colorado. Then there ought to be no limit at all.

Mr. TIMBERLAKE. I would like to see it all reserved for the soldiers.

Mr. TAYLOR of Colorado. So would I, and I should like to see other and much more important things done for the soldiers than this little bill. This is all right as far as it goes, but it does not go far. I was the author of the bill in the last Congress to provide homes for hundreds of thousands of soldiers, and I tried very hard to get it passed, tried to get a rule, and did everything I could do to obtain the consideration of it by this House, and I feel that this is, as the gentleman

from Texas says, chicken-feed stuff. I think we ought to do something much more substantial for the soldiers, and do it now. We ought to at once take up the Lane reclamation bill and pass it as soon as possible.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN of Illinois. The gentleman says he wants to reserve all the public land for the soldiers.

Mr. TAYLOR of Colorado. Oh, no; I said all these little reservations, these small openings, that will be made during the next two years.

Mr. MANN of Illinois. There are other people coming after these, and there are some other good people besides the soldiers.

Mr. TAYLOR of Colorado. I was referring to these reservations or withdrawal openings of various kinds that will be made during the next two years.

Mr. MANN of Illinois. I understood the gentleman to say all the public lands forever.

Mr. TAYLOR of Colorado. Oh, no; not 300,000,000 acres.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma to the amendment of the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. WALSH) there were 3 ayes and 26 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. SMITH of Idaho) there were 15 ayes and 15 noes.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

The question of ordering tellers was put, and only three Members having arisen, the demand for tellers was refused.

So the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out all of line 3 after the word "hereafter," and in line 4, the following words: "passage of this act."

Mr. MORGAN. Mr. Chairman, the effect of the amendment I have offered is to strike out of the bill the words "for the period of two years following the passage of this act."

I do not know what this limit was put in for, but it does seem to me that we could well say that hereafter when little Indian reservations or forest reservations are opened to homestead entry or settlement, or opened under the public-land laws, that for a period of 60 days we shall allow the soldiers a preference right to enter these lands. I do not know why the rights of soldiers and the consideration to be given to soldiers should end in the short period of two years. If it is right to let them have this privilege for the next two years, which would go over the next—I won't say what I started to—but if it is right to give them preference right for two years it is right to give it to them as long as they live.

Mr. MAYS. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. MAYS. Suppose we have another war, what would you do for the soldiers of that war, deprive them of the privilege?

Mr. MORGAN. No; but I would amend the law to give them the right.

Mr. MAYS. It might happen that the gentleman from Oklahoma would not be here at that time. [Laughter.]

Mr. MORGAN. That might happen, and I do not know that the country would lose very much if I was not here. My amendments do not seem to pass anyway.

But in all seriousness I do not blame the Public Lands Committee, for in preparing a bill they know how their bills are criticized, as all other bills are, and they did not want to make it too liberal. It seems to me that in this case they have been too restrictive. I see no reason why we should not allow these little insignificant reservations of land that shall be open from time to time to be subject to the soldiers' preference right indefinitely.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. GARD. Has the gentleman any legislative expression or intent to give more lands, or more valuable lands, to the soldiers than those embraced in this resolution?

Mr. MORGAN. The lands embraced in this resolution will constitute the best lands that there will be for entry and settlement, because they are in the reservations, the most available land, the most desirable. I think we ought to reserve or allow the Secretary of the Interior to reserve all of the public lands to give the soldiers an opportunity to take them. These lands

are not very desirable at best. In order to establish this principle, that the remaining public lands of the Nation shall be dedicated to the great purpose of providing homes for our soldiers, I think we ought to cut out this restriction. I can see no reason at all for putting this period in.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MORGAN) there were—ayes 7, noes 22.

So the amendment was rejected.

The Clerk concluded the reading of the joint resolution.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the resolution with amendments, with the recommendation that the amendments be agreed to and that the joint resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution No. 20, giving to discharged soldiers, sailors, and marines preferred right of homestead entry, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the joint resolution as amended do pass.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en masse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 52, noes 3.

So the joint resolution was agreed to.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

BIRD RESERVATION IN SISKIYOU AND MODOC COUNTIES, CALIF.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill (H. R. 8440) to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Calif., and Klamath County, Oreg., and for other purposes.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 8440, which the Clerk will report.

The Clerk reported the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8440, with Mr. TILSON in the chair.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to determine and make public announcement of what lands in and around Little or Lower Klamath Lake, in Siskiyou County, Calif., and in Klamath County, Oreg., ceded to the United States by the State of California by the act entitled "An act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower or Little Klamath Lake, Tule or Rhett Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State," and ceded to the United States by the State of Oregon by an act entitled "An act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County, Oreg., in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels or by the drainage of any or all of said lakes," will eventually be uncovered and opened to agricultural development by the lowering of the water level of said lake. Title to all said lands can be acquired by homestead entry under the general homestead laws and the provisions of this act and not otherwise: *Provided*, That all said lands shall forever be and remain subject to the right of the United States (a) to overflow the same or any part thereof for the purposes of irrigation by such systems of reservoirs

and drainage and diking as now actually exist or may be hereafter constructed in Siskiyou County, Calif., and Klamath County, Oreg., and (b) to drain the water therefrom. All patents issued for the said lands shall expressly reserve to the United States such right of overflow and drainage.

SEC. 2. That the Secretary of the Interior shall also determine and make public announcement of the proportionate part of the sum of \$283,225, heretofore expended from the reclamation fund in connection with the Klamath project, Oregon-California, that in the opinion of the Secretary of the Interior each acre of the said land should be assessed, and the proportionate part that each acre of privately owned land, similarly situated to the said lands hereby affected, should be assessed, to return to said reclamation fund in all the said sum of \$283,225.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to cause said lands to be surveyed and opened to entry under the general homestead laws and the provisions of this act: *Provided*, That none of said lands shall be opened to entry until the Secretary of the Interior shall have first made arrangement with the owners of lands in private ownership, similarly situated to the lands hereby affected, for the payment into the reclamation fund of the proportionate part of the sum of \$283,225, determined and apportioned by the Secretary of the Interior against said privately owned lands as provided in section 2.

SEC. 4. That in addition to all payments required by the general homestead laws there shall be paid by homestead entrymen the amount per acre assessed as provided in section 2 of this act. Said payment shall be made in annual installments of \$1 per acre, except the last installment, which may be a fraction of a dollar: *Provided*, That the whole or any part of the amount so assessed may be paid by the entryman in a shorter period if he so elects. The first installment shall be paid at the time homestead application is filed and subsequent installments shall be due and payable on December 1 of each calendar year thereafter until the entire sum so assessed and apportioned against the lands is paid, and patent shall not issue for any of said lands until the sum so appropriated against said lands shall have been fully paid. Failure to pay any installment when due shall render the entry subject to cancellation, with a forfeiture of all moneys paid. All assessments shall draw interest at the rate of 6 per cent per annum from their due date until paid. All moneys paid on account of such assessments shall, without diminution of any kind whatsoever, be covered into the reclamation fund.

SEC. 5. That those who served with the military or naval forces of the United States during the war between the United States and Germany and her allies and have been honorably separated or discharged therefrom or placed in the Regular Army Reserve shall have preference and prior right to file upon and enter said lands under the homestead laws and the provisions of this act for a period of six months following the time said lands are opened to entry. That in opening said lands for homestead entry the Secretary of the Interior shall provide for the disposition thereof to the said soldiers, sailors, and marines, by drawing, under general rules and regulations to be promulgated by him.

SEC. 6. That no rights to make entry shall attach by reason of settlement or squatting upon any of the lands hereby restored before the hour on which such lands shall be subject to homestead entry at the land office, and until said lands are opened for settlement and entry as herein provided no person shall enter upon and occupy the same, and any person violating this provision shall never be permitted to enter any of said lands.

SEC. 7. That the Secretary of the Interior shall determine which of the lands now within the boundaries of the Klamath Lake Bird Reserve are chiefly valuable for agricultural purposes and which for the purpose of said reservation, and shall open to homestead entry those lands which are chiefly valuable for agricultural purposes: *Provided*, That the shore line of the lake, including the smallest legal subdivision of land adjoining the flow line, shall remain in the possession of the United States, but access may be provided to the lake for such canals as may be necessary for irrigation, drainage, and domestic water supply.

SEC. 8. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Mr. SINNOTT. Mr. Chairman, I would ask how much time the gentleman from California [Mr. RAKER] desires in general debate?

Mr. RAKER. Mr. Chairman, I do not believe that we need take any time. I think we can discuss the matter under the five-minute rule. The matters are so plain and clear that I believe it is not necessary to take time in general debate unless some one desires some particular information.

Mr. BLANTON. Mr. Chairman, will the gentleman from Oregon yield to me?

Mr. SINNOTT. I yield to the gentleman from Texas.

Mr. BLANTON. I would like to ask the gentleman from California what they are going to do with all of the birds that have been on this land?

Mr. RAKER. Oh, they will be on the lake and other lands. The land to be restored from the bird reservation comprises about 55,000 acres of agricultural land—the best in the world—upon which men can go and immediately commence to make a living. That is the character of the land, and that is the purpose of opening it—to the end that the soldiers might go there and make homes.

Mr. BEE. Mr. Chairman, will the gentleman from Oregon yield?

Mr. SINNOTT. Yes.

Mr. BEE. I want to ask a question about section 5, which gives six months' preference to those who serve in the military and naval forces. Section 6 provides that no rights to make entry shall attach by reason of settlement or squatting upon any of the lands restored before the hour at which such lands

shall be subject to homestead entry at the Land Office. Would that interfere with the six months' period of the soldiers?

Mr. SINNOTT. The priority merely relates to the right to file upon and enter.

Mr. BEE. And not the settlement?

Mr. SINNOTT. They have priority to file, and no one has any right to squat or settle on the land and thereby obtain any preferential rights over the soldier or sailor.

Mr. BEE. Then there would be no danger in the soldiers being deprived of their rights by reason of section 6?

Mr. SINNOTT. Section 6 just gives them additional protection.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. GARD. What has become in this bill of the recommendation of Secretary Lane as evidenced by his letter of March 4, 1918, that there should be some privilege afforded members of the Siskiyou Homesteaders' Association, as originally embraced in section 5 of the bill?

Mr. SINNOTT. The original bill contained a clause for preference rights to members of that association, but the Secretary first reported adversely on that. Afterwards he modified his views, and that is the matter that has carried this bill along for two or three years.

But finally the preference right provision of members of this Homesteaders' Association was eliminated from the bill, and the bill was reported by the committee, but there has been very strong opposition to the preference-right feature to the members of this Siskiyou Homesteaders' Association, so that provision was eliminated from the bill and the preference right given to the soldiers.

Mr. GARD. The last evidence I see is the letter of the Secretary of date of March 14, 1918, in which he suggests an amendment to the bill which would give to the members of the Siskiyou Homesteaders' Association a preferential right under certain conditions to make application for entry on these lands because of their previous occupation and services in securing riparian rights and generally developing this land. Now, section 5 limits the privilege to those who are in the military and naval forces of the United States, and it eliminates the Homesteaders' Association entirely.

Mr. SINNOTT. Yes; the association was entirely eliminated; that has been a controverted point in the bill, and that preference-right feature is what has heretofore held back the passage of the bill.

Mr. GARD. What is the gentleman's idea about that. Should or should not these men who have been on the land or near the land, who have developed, who have given of their services in seeing that more land is added and riparian rights were secured—should they not have the privilege of entry?

Mr. SINNOTT. Well, of course that takes us into the controverted domain. It has been heretofore contended that there were no settlers or homesteaders upon this land entitled to a preference right. I do not care to go into that at length. The people in my State interested in this matter were strongly opposed to any preferential right, and they dispute all these allegations concerning the settlers, but I do not care to go into that matter.

Mr. GARD. The gentleman's State is not part of the Siskiyou reservation, is it?

Mr. RAKER. Part of the lands are on each side of the line.

Mr. SINNOTT. Seven thousand acres of these lands are in Oregon and 27,000 acres in California, and some Oregonians are members of the Siskiyou Homesteaders' Association.

Mr. RAKER. The gentleman from Ohio overlooked the last report of the Secretary of the Interior.

Mr. SINNOTT. That is on August 29, page 3, of the report.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman yield for that purpose?

Mr. SINNOTT. I do.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is this under general debate or under the five-minute rule, or where are we at?

The CHAIRMAN. General debate is proceeding, and the gentleman from Oregon has been recognized for one hour.

Mr. HICKS. Will the gentleman yield for an inquiry?

Mr. SINNOTT. I will.

Mr. HICKS. I would like to ask the gentleman with regard to this land. Is it at the present time in condition of a swamp, or has some drainage taken place there?

Mr. SINNOTT. Some drainage has taken place there, but there is considerable swamp land. The water is gradually dry-

ing up by evaporation and more land is being recovered from time to time.

Mr. HICKS. Now, if some of the land is still in a swampy condition, how is it contemplated the land is to be drained; how is that work to be done?

Mr. SINNOTT. That is to be drained by evaporation.

Mr. HICKS. Not by the work of man at all?

Mr. SINNOTT. Only indirectly at the present time.

Mr. HICKS. Is there any scheme contemplated by which the State of Oregon and the State of California shall drain these lands?

Mr. SINNOTT. No; the land is draining itself by evaporation. I will state to the gentleman that this 54,000 acres of lake and swamp are caused by the overflow waters of the Klamath River running through a side channel. That channel has been closed with gates, so that the waters of the Klamath River no longer have access to this lake and swamp. The waters of the Klamath River supply the waters for the swamp. The access of those waters is closed, so that the water is evaporating from year to year. It possibly will be several years before the water is entirely evaporated.

Mr. HICKS. My experience is in that part of the West it rains about every day, and it will take some time to evaporate the water, I should judge.

Mr. SINNOTT. This is east of the mountains, not west of the mountains, and this is a more or less arid section. I suppose the rainfall there is not over 12 or 14 inches.

Mr. RAKER. Something like that.

Mr. SINNOTT. But in a few years the swamp will be entirely evaporated and the land reclaimed.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. SINNOTT. I will.

Mr. LAYTON. For the purpose of illuminating the RECORD, I would like to inquire what sort of birds and how many birds was this land originally intended for; what kind of birds?

Mr. SINNOTT. Well, only part of the land there belongs within the bird reserve, but ducks and geese and pelicans and all sorts of waterfowl congregate there upon the marshes.

Mr. BEE. Will the gentleman yield?

Mr. SINNOTT. I will yield.

Mr. BEE. I notice in section 2, page 3, that the proportionate part of some \$283,000 is referred to, and that section 3 provides that the land shall not be open for entry until the Secretary of the Interior shall have first made arrangement with the owners of land in private ownership, similarly situated to the lands hereby affected, for the payment into the reclamation fund of the proportionate part of \$283,225. I would like to ask the gentleman for information how will the Secretary of the Interior be able to force those owning lands privately to contribute their proportionate share of this fund, and how long will that hang up the opening up of the land?

Mr. SINNOTT. I will state to the gentleman that matter has all been arranged. The owners of the private land have all made their partial payment.

Some two years ago they paid \$23,500 for the purpose of closing the gates in the straits of the Klamath River, which supplied the water to the swamp.

Mr. BEE. It will not delay the opening of the land, then?

Mr. SINNOTT. Oh, no; that has already been arranged for. They paid the \$23,500 then; then they were obligated to make a partial payment in December, 1918, of something over \$2,000; to be exact \$2,777.78. That has been paid. Then they were to pay some thing over \$2,000, or \$2,777.78, the 1st of this December, and, of course, they have not the report in the department as to whether or not that payment was made. I called up the Reclamation Service over the phone, and they assume that the payment has been made, because if it had not been made they would have been notified.

Mr. BEE. The point I wanted to inquire especially about was if it will not delay the opening of these lands by reason of having to make arrangements with the owners?

Mr. SINNOTT. That has already been negotiated.

Mr. WALSH. Will the gentleman yield?

Mr. SINNOTT. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does the gentleman intend before we start reading this bill to make some little statement of its purposes and objects and the pressing necessity for its passage at this particular time?

Mr. SINNOTT. I will be glad to answer any questions or to make any explanation.

Mr. WALSH. Then I would like to ask the gentleman what is the need of this legislation at this particular time? Why can it not wait or be dispensed with entirely?

Mr. SINNOTT. The sooner this legislation is passed the sooner this land will get under cultivation, and the Government will also be sooner repaid an investment of something like \$283,225 heretofore expended upon these lands, and \$179,327 of that investment will be repaid under the provisions of this bill and \$104,898.15 will be repaid by the owners of private lands. They have already paid the \$23,500 and their annual payments since 1917 for that purpose.

I will state to the gentleman that this Klamath marsh in Oregon and California, about 27,000 acres in each State, was originally intended to be reclaimed under the Klamath-California-Oregon project, but after the work was inaugurated these 57,000 acres were eliminated from the California-Oregon-Klamath irrigation project, but the Reclamation Service had made an expenditure of \$283,225, which was charged up against the lands afterwards eliminated from the irrigation project, and if this bill accomplishes its object this entire \$283,225 will be repaid to the Government.

Mr. WALSH. By whom?

Mr. SINNOTT. It will be repaid by the settlers, those who enter upon this land under the provisions of this act, and also the owners of the privately owned lands in Oregon. There are some 20,000 acres now privately owned in Oregon of this land in question.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. SINNOTT. I yield.

Mr. LAYTON. If I understand the situation, the gentleman from Oregon apprehends that in the course of time these lands are going to become so dry that the waterfowl will be dried out of house and home?

Mr. SINNOTT. No; that is not true. The bill specifically protects the waterfowl and the bird reserve. That will not be destroyed. There is a provision in the bill for the protection of the bird reserve.

Mr. LAYTON. What you are disposing of then is the land that gradually dries out?

Mr. SINNOTT. Yes; the land outside of the bird reserve.

Mr. LAYTON. As fast as it dries out?

Mr. SINNOTT. As fast as it dries out.

Mr. LAYTON. Down to the water line?

Mr. SINNOTT. Yes.

Mr. HICKS. I would like to make an inquiry, not that it has any bearing on this bill, but for the purpose of illuminating the RECORD, as my friend from Delaware says. What is this made land for? To what purpose will it be put if it is drained—to raising apples, wheat, or what?

Mr. SINNOTT. This land will be put into clover, timothy, alfalfa, and other forage crops. Some grain can be raised there. The gentleman from California [Mr. RAKER] is probably more familiar with that matter than I am.

Mr. RAKER. On the surrounding land, and land in like conditions, that have been reclaimed in the last five years, they raise clover, timothy, wheat, barley, potatoes, cabbage, and all products that that country produces in that climate successfully, and to a very large advantage.

Mr. GALLIVAN. Will it produce raisins?

Mr. HICKS. May I ask the gentleman if they produce raisins or grapes of any kind? My friend from Massachusetts [Mr. GALLIVAN], I see, is interested in that answer.

Mr. RAKER. I see you want a frank answer. It is a little too high. It is in the mountains, and the elevation is too high for raisins. We have sufficient lands in the valley on which to raise raisins.

Mr. WALSH. Will the gentleman yield?

Mr. KITCHIN. Before the gentleman from Massachusetts asks the question I wish to say I do not think the gentleman from Oregon [Mr. SINNOTT] has given the gentleman from Massachusetts sufficient answer as to why it is necessary to pass this bill. If you would permit me, I would further suggest that we have got nothing else to do from now until Christmas, so why not pass this bill?

Mr. GALLIVAN. Is that the only reason?

Mr. KITCHIN. I am giving a further reason why it is necessary to pass it.

Mr. LITTLE. Besides that, we have got to give the Democrats a little opportunity to get a little advantage by criticizing it.

Mr. GALLIVAN. Do you think it ought to be criticized?

Mr. LITTLE. Possibly. Go to it.

Mr. KITCHIN. The gentleman from Kansas is far afield from anything I have said. Nothing I have said or asked should lead to such a remark from him. I think we should not only be doing something here but we ought to have the appearance

of doing something, and to-day is public-lands day, and I think it is necessary for us to pass some legislation.

Mr. LITTLE. Mr. Chairman, I think we have done a good deal. We have been able to secure the attendance and interest of the distinguished gentleman from North Carolina. It is quite an advantage to have the gentleman from North Carolina with us. It is seldom we have him with us unless his committee has something to report.

Mr. SINNOTT. Mr. Chairman, I yielded to the gentleman from Massachusetts a little while ago.

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman from Oregon [Mr. SINNOTT], who I trust is still in favor of this bill, notwithstanding the remarks of the gentleman from North Carolina [Mr. KITCHIN], how the character of this program came to be changed when this land was ceded for a bird reservation? How did the demand arise to have this land withdrawn? What was it that gave rise to this decision of the Department of the Interior, or the General Land Office, or whoever it was that said that the only way in which this could be accomplished was by an act of Congress?

Mr. SINNOTT. Well, the land was not ceded for a bird reservation; the land was ceded to the General Government, so that the General Government might either raise or lower the level of these lakes, use them for reservoirs or irrigation purposes, or drain them, in order to secure more land for utilization under the reclamation act. Then the bird reserve was afterwards imposed upon a part of this land.

What the gentleman has in mind, no doubt, is the controversy which came up in California between the General Government and the State of California as to whether or not a certain part of this land was ceded in the act of cession by that State. Mr. Vogelsang, of the Interior Department, in a decision held that they were ceded, but I believe that the gentleman from California [Mr. RAKER] is more familiar with that feature of it than I am.

Mr. WALSH. Well, I would like the gentleman from California to answer, if the gentleman from Oregon will yield to him.

Mr. SINNOTT. I will gladly yield to the gentleman.

Mr. RAKER. I will answer if I can.

Mr. WALSH. My inquiry was, What arose out there with respect to those lands where this reserve is located that apparently, from the record here, suddenly changed the whole character of this project? What gave rise to this demand that these lands, which in 1908 were set apart for a bird reservation, should be thrown open and made the object of further legislation, so that the scramble for possession could be set in motion? What was it? Was it the controversy that arose as to the result of the decision of Mr. Vogelsang, Acting Secretary, or was it some local controversy out there in the State?

Mr. RAKER. I think I can in a few words elucidate the entire situation.

Mr. WALSH. Then I will not finish my question—if the gentleman can do that.

Mr. RAKER. The local demands for these lands, which are valuable for agricultural purposes, upon which the people were entering and trying to make settlements, were so urgent that the department held that to be illegal, because these were withdrawn from entry, and that brought about the legislation. On these lands last year and this year there grew from 10,000 to 20,000 tons of hay. A good deal of it was burned up and went to waste, because there was nobody who could go in there and take charge of it.

The land was withdrawn originally for reclamation purposes. The department spent this \$228,000 for the purpose, and after some investigation they determined that they could not proceed with the project, and they eliminated these particular lands and held them so that they could not be filed upon. The Department of the Interior requested the President to declare it a bird reserve because it was public land. It was declared a bird reserve. Since that time there have been about three or four thousand acres of the land eliminated from the bird reserve. This bill allows it to be homesteaded, and in order that it might be disposed of properly the homesteaders, in addition, are required to pay back to the Government the amount of money that has been expended in the development of the land. The private individuals referred to by the gentleman from Oregon [Mr. SINNOTT] have agreed to pay \$104,000. They have obligated themselves to do so, and they have already paid a large amount.

The Reclamation Service, while it held the land, in its order required the railroad, which was crossing the lower and west part of the land, to build an embankment all across the land, which was swampy except where the river entered upon the land,

and all the Government had to do was to put gates in this river, and this entire land is reclaimed.

Mr. WALSH. By putting gates in the river?

Mr. RAKER. Yes. That will prevent the water from backing up from the river, which flows on the lower side of the dam, thereby filling up this large territory of some 55,000 acres of land.

Mr. WALSH. Will the gentleman state whether or not this legislation is in effect a determination of this controversy which arose in the manner stated and on the side of the State of California?

Mr. RAKER. No. The State of California and those applicants under it made no pretense—there were no applications made until the question came up some four years ago—that these people were trying to obtain this land. There have been applications by all parties trying to obtain this land, but they were turned down, because the filings were illegal for the reason as stated, the land being withdrawn and placed in this bird reserve. That is the reason for the provision of section 6, that anyone who enters upon the land and tries to hold it is doing so illegally, and their action is void.

Since the war the policy of Congress has been changed, and the view was that, notwithstanding the money and expense and trouble that these other people have gone to, these lands should be turned over to the soldiers who served this country. There are plenty of them in the country who are ready and willing and desirous now to enter upon this land. It is very valuable. I can say from personal observation that two years ago there was not less than 10,000 tons of hay destroyed, and thousands of head of cattle died that winter that could have been saved if the farmers had been permitted to go on that land and use it.

Mr. WALSH. What has become of the birds?

Mr. RAKER. The birds that were on this land are still there. The lake is still preserved, and there is still a border around the lake for all the ducks and geese that land there. The pelicans and geese and blue cranes, and so forth, will protect themselves. They will still be protected.

Mr. WALSH. The gentleman has answered the question generally. I would like to ask him now, assuming that that demand arose for the reasons he stated, and perhaps for some other reasons, does he think that this legislation accomplishes what is desired and that the rights and interests of the Federal Government are adequately protected?

Mr. RAKER. I will say to the gentleman that to my mind this is one of the best bills for the protection of the Government that has been passed by Congress since I have been here, because in addition to giving to these men the right to file upon the land as a homestead it requires a repayment to the Government of the \$285,000 that has been expended in the development of the land, to the end that the Government shall not lose a dollar.

Mr. GARD. Will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. WALSH. I yield to the gentleman from Ohio.

Mr. GARD. I will ask the gentleman from Massachusetts whether this bill contains any protective reservation of the mineral rights in this land to the Government?

Mr. WALSH. I do not see any such reservation.

Mr. RAKER. There is a general law covering that.

Mr. WALSH. I was trying to get an assurance from the gentleman from California.

Mr. GARD. There is no such protection in the bill, and I think it should be in the bill.

Mr. RAKER. The general legislation on the statute books as to minerals is already provided for.

Mr. GARD. It is not provided for in this bill.

Mr. RAKER. It is in the general law.

Mr. WALSH. That would not apply to this legislation.

Mr. RAKER. If you take up public lands you take them up subject to the mineral-land provision.

Mr. WALSH. Now, will the gentleman state his view as to who the parties will be who will pay back this \$285,000?

Mr. RAKER. In the first instance there is \$104,000 to be paid back by the people on the Oregon side who have already contracted to pay it. They have paid now a part, I imagine about \$60,000, already, and are continuing the payment. The rest of the \$285,000 will be paid back by those who file upon the remaining Government land.

Mr. WALSH. How did these people come to enter into any such contract?

Mr. RAKER. The Oregon people?

Mr. WALSH. Yes.

Mr. RAKER. The gates would not have been closed. It would have remained a swamp. It would have remained unused

land, and every year in the spring, when the Klamath River rises, the water backs up and covers this entire country from a foot to two and a half feet deep. Therefore the land, so far as living on it is concerned, is useless.

Mr. WALSH. How did they come to enter into this contract?

Mr. RAKER. With the general understanding that this legislation would be enacted, to the end that they would all be protected.

Mr. WALSH. This legislation was pending in the last Congress and in the Congress before, if I mistake not?

Mr. RAKER. Yes.

Mr. WALSH. And this contract was entered into prior to the legislation being introduced?

Mr. RAKER. Yes.

Mr. WALSH. Are they still to go on under that contract?

Mr. RAKER. They are.

Mr. WALSH. So that if this legislation does not pass, this reimbursement will still continue just the same under the contract they have entered into?

Mr. RAKER. To the extent of \$104,000 by those who have entered into the contract. The Government clearly will carry out its purpose to the end that all of this land may pay its proportionate burden according to the acreage—proportionate to the whole expense that it costs to develop it.

Mr. GALLIVAN. May I ask the gentleman from California what this land is worth an acre that these people are going to pay the Government to procure?

Mr. RAKER. They will pay the Government the proportion that the number of acres they take bears to the remaining unpaid portion of the \$285,000, which would be about \$145,000.

Mr. GALLIVAN. How much an acre?

Mr. RAKER. It will amount to about \$5 an acre.

Mr. GALLIVAN. About \$5 an acre?

Mr. RAKER. Yes.

Mr. GALLIVAN. I wanted to get that into the RECORD.

Mr. LITTLE. May I ask the gentleman a question?

Mr. RAKER. Yes.

Mr. WALSH. I yield to the gentleman.

The CHAIRMAN (Mr. TILSON). The Chair is not certain whether the gentleman from Oregon [Mr. SINNOTT] yielded the floor and the gentleman from Massachusetts took it, or whether the gentleman from Oregon yielded to the gentleman from California.

Mr. SINNOTT. I yielded to the gentleman from California.

Mr. WALSH. Oh, no, Mr. Chairman.

Mr. LITTLE. They both yielded to me for a question, anyway. The gentleman from Oregon had the floor, and I understood that he yielded to the gentleman from California.

Mr. RAKER. I yield for a question.

Mr. LITTLE. What I want to inquire is if there are any riparian rights, or accretions, or new lands formed by recession, which are interfered with here?

Mr. RAKER. Oh, no; these are public lands.

Mr. LITTLE. Somebody said there were settlers immediately adjoining these lands.

Mr. RAKER. On the Oregon side adjoining the public lands in Oregon; and the land in California is the same character of land. It was disposed of differently in Oregon and in California. There are in the neighborhood of 15,000 acres.

Mr. LITTLE. There are a lot of people living there?

Mr. RAKER. Yes.

Mr. LITTLE. Have they, by accretion or recession or formation of new lands, obtained any legal rights to the land involved herein?

Mr. RAKER. Only by virtue of this contract.

Mr. LITTLE. Anybody who owns land next to accreted land is liable to have a right in that land.

Mr. RAKER. There is no land involved in this except the public land, which is above the accretions or riparian rights.

Mr. LITTLE. I do not quite get you. This land is to be thrown open for settlement?

Mr. RAKER. Yes.

Mr. LITTLE. There are some settlers on the land adjoining it, are there not?

Mr. RAKER. But they are on the outside.

Mr. LITTLE. Of course, they are on the outside. They could not be on the inside.

Mr. RAKER. The gentleman is correct.

Mr. LITTLE. Now, have these men, by accretion or by formation of new land or by recession of the waters, acquired any rights or claims that might be interfered with by this legislation?

Mr. RAKER. No; I say they have not; if it were, they have the contract—

Mr. LITTLE. The contract has nothing to do with the accretions.

Mr. RAKER. I say if there are any the Department of the Interior have their waiver on file, and they have been compensated for it.

Mr. LITTLE. They have waived their accretions?

Mr. RAKER. They have waived their accretion and all claims. Mr. Chairman, I reserve the balance of my time.

Mr. MANN of Illinois rose.

The CHAIRMAN. Is there any member of the committee opposed to the bill? If not, the Chair will recognize the gentleman from Illinois for one hour.

Mr. MANN of Illinois. Mr. Chairman, I do not recall distinctly the facts in reference to this measure which are not easily ascertained from reading the report. If I remember correctly, I have been over the bill several times in different Congresses, or a bill along this line. I did not hear all of the explanation made by the distinguished gentleman from California [Mr. RAKER], in whose district these lands, or a part of them, are, I believe. The gentleman from Oregon says that a part of them are in Oregon and a part in California. That makes a pretty good combination between California and Oregon and a pretty good combination on the floor of the House between the gentleman from Oregon and the gentleman from California, both being distinguished gentlemen, especially familiar with public-land questions, and both desirous of protecting the rights of settlers who want to come into their States. Sometimes I fear they are more anxious to protect the rights of settlers who want to come into their States than they are of the birds who may want to pass on to some other place.

This was and is a bird reserve. It is proposed to lower the level of the water in the lakes, I believe. I do not know whether this bill does that or whether it is done by the Government in some other way—and to open to settlement the public lands which will be left when the lakes are lowered.

It is desirable always to have good public lands tilled. It is also desirable, if practicable, to give the birds some chance. I can remember easy enough—I am not so old as I hope I will be some day—but I can remember when I saw birds by the millions, I think with no exaggeration, certainly many, many thousands, of ducks at one time floating on the waters on my father's farm. There are no ducks there now and no place for the ducks to rest.

Somewhere in the passage between the North and South there must be places where these birds can have an opportunity to rest, if they are to be preserved at all.

Of course, I know they always say, as they say in this report, that this will not affect the rights of the birds. The lakes are still to be there. I would like to know how much, if any, the size of these lakes is to be reduced through the operations that are to be carried on there.

Mr. RAKER. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. RAKER. The permanent banks of the lakes will not be interfered with at all; and, in addition to that, there will be a fractional section around the permanent shores of the lake reserved.

Mr. MANN of Illinois. Let me ask the gentleman this: There is an act of the Legislature of California—

Mr. RAKER. And of Oregon also.

Mr. MANN of Illinois. Authorizing the United States Government to lower the water level of any or all of the following lakes. Was that the purpose of the act?

Mr. RAKER. Yes.

Mr. MANN of Illinois. Is it the intention of the Government of the United States to do this, or to permit anybody else to do it?

Mr. RAKER. Yes.

Mr. MANN of Illinois. Then that does lower the level of the water in the lakes and reduces the boundary lines?

Mr. RAKER. It does and it does not.

Mr. MANN of Illinois. That is too quick for me—"it does and it does not."

Mr. RAKER. Because by the rise of water in the river the entire country that is covered by this water is known as the lake, and it rises from a foot to three feet and a half. As the summer advances, through July, August, and September, the water recedes and leaves these permanent bodies of water there, and they are not affected.

Mr. MANN of Illinois. The permanent body of water that is left in September after a dry summer is not the size of the lake. There are lots of lakes throughout the country that have no water in them at times, and there are lots of rivers in California that have no water in them in September while they are good sized rivers in the spring.

Mr. RAKER. The land involved is 100,000 acres covered with water, and there is remaining 55,000 acres which is now covered with hay, but the hay could not be cut on it.

Mr. MANN of Illinois. Why? Do not they have wild rice there, or is that what they do have?

Mr. RAKER. Not yet.

Mr. MANN of Illinois. Do not they have anything on the ground that is covered with a foot or two of water in the spring of the year?

Mr. RAKER. Yes, grass, but no rice.

Mr. MANN of Illinois. Wild rice would grow in most places of that sort. It may be that they do not have wild rice in California, but it would be strange if they do not, and it would be strange if hay of any value grew there if covered with water to any extent.

Mr. RAKER. It does; of exceedingly high value. Some of it has tules in it, but there is hay there of exceedingly good quality, and there is fine pasture each year.

Mr. MANN of Illinois. What is this \$283,225? Was that money that the Government of the United States expended uselessly?

Mr. RAKER. Oh, I do not think so. The Government expended the \$283,000 in surveys and estimates and also in an experiment station which it had there in handling this tract of land for the purpose of opening it to settlement.

Mr. SINNOTT. The gentleman is not stating all of the purposes for which it was expended.

Mr. RAKER. Not all.

Mr. SINNOTT. Of course, it was expended in enlarging ditches and canals so that this land might hereafter be irrigated, and also in supplying certain water rights and in building another canal to supply a man with water who was taking water out of the lake.

Mr. RAKER. I am glad the gentleman from Oregon has called my attention to that. In other words, what was known as the Van Brimmer people, living on this tract—

Mr. MANN of Illinois. Oh, I do not care about that. I want to know what they spent the money for.

Mr. RAKER. They had a water right, and to settle with them so that the lake could be lowered the Government furnished them with so much money and gave them a water right coming out of the canal from another source.

Mr. MANN of Illinois. And that is what the Government of the United States did?

Mr. RAKER. Yes.

Mr. MANN of Illinois. Under what authority?

Mr. RAKER. The reclamation act.

Mr. MANN of Illinois. How much did they pay for that?

Mr. RAKER. My recollection is about \$24,000.

Mr. MANN of Illinois. How was the rest of the money expended?

Mr. SINNOTT. The itemized account is on page 23 of the report.

Mr. RAKER. I was answering from recollection.

Mr. MANN of Illinois. How was it expended? I have read the report.

Mr. RAKER. For engineering, some \$15,000, and they had a storage works, \$437, and the main canal, of which the gentleman from Oregon speaks, building the canal north, and about 20 miles farther to the end, so that they could bring that water from the storage at another place, so that the Van Brimmer people could get their water on the land; and the Van Brimmer people waived their right to draw the water from this lake, which was a riparian right, and a prior right to the Government's right, and the lake never could have been lowered unless they did that.

Mr. MANN of Illinois. Practically all of it is to be abandoned under this bill?

Mr. RAKER. No.

Mr. MANN of Illinois. Did not the Government intend to put a reclamation project on this land?

Mr. RAKER. Where the railroad crossing is at what is known as Keno Falls, the Government intended to lower the falls, and that would have drained all of this land; and, in addition to that, they expected to develop 100,000 horsepower of energy below the Keno Falls.

Mr. MANN of Illinois. I may be mistaken, but when I read the report I did not see how these lands had been benefited by the expenditure of this very large sum of money.

Mr. RAKER. As a matter of fact, by placing these gates at the railroad crossings in the river that land can be drained; every foot of it.

Mr. MANN of Illinois. Oh, but the gates have not been placed there.

Mr. RAKER. Oh, yes; they have. They have been maintained there for the last three years.

Mr. MANN of Illinois. Out of this money?

Mr. RAKER. Supervision, and so forth; yes. That is part of the handling of it.

Mr. MANN of Illinois. Does that pay for the gates and everything?

Mr. RAKER. Oh, the gates are not very expensive. I think it paid for the gates. That is my recollection. The gates are just lift-and-drop gates, and the work was done by the railroad company—the building of the bridge and the dam where it crosses the river.

Mr. MANN of Illinois. The gentleman is quite particular in his statements, and doubtless to one who is better informed they would be very informing, but they have not meant very much to me as yet. Here it is proposed to throw certain lands open to public settlement now in a reservation. It appears that the Government has expended nearly \$300,000 for some purpose, a lot of different purposes. As I understand it, it is proposed now to charge that cost, or at least a portion of it, to these lands when they are thrown open to public settlement.

Mr. RAKER. That is it; yes.

Mr. MANN of Illinois. I fail to see how the lands have been benefited by the expenditure of this money. I may be wrong, but it did look to me as though the Reclamation Service had wantonly and recklessly expended a considerable sum of money without getting any benefit from it, and that they now propose, because there is some land that might be considered available, to load that cost upon that land.

Mr. RAKER. I think the gentleman is mistaken.

Mr. MANN of Illinois. I may be mistaken, but nobody has contradicted me as yet.

Mr. RAKER. May I answer that?

Mr. MANN of Illinois. Yes.

Mr. RAKER. The Reclamation Service, I am satisfied, have done that in this instance.

Mr. MANN of Illinois. What have they done?

Mr. SINNOTT. Let the gentleman read the explanation of the Reclamation Service on page 23 of the report.

Mr. MANN of Illinois. Oh, the gentleman need not read from the report. I have read the report.

Mr. RAKER. I want to make a statement. The department put an experimental station in there some 8 or 10 years ago. They put a young man in there to do the work. The young man made a failure, and on his report the department thought it was all right. The farmers came into that country some two or three years later, and they developed not only from actual experience on the adjoining land, but on similar land in Oregon, that this is as fine productive land as there is in the State of Oregon or in the State of California.

Mr. MANN of Illinois. Well, that carries out what I said. The Reclamation Service spent \$16,000 and more trying to teach some young man how to farm when he did not know anything about it and squandered \$16,000 to prove what was not true, as the gentleman says, that the land could not be used for farming purposes. If that was not a reckless and wanton waste of money, I do not know any that can be.

Mr. RAKER. I hope the gentleman will not—

Mr. MANN of Illinois. Now, having done that, they want to make the fellows who can make it successful pay for it. Is not that right?

Mr. RAKER. No.

Mr. MANN of Illinois. What is it, then?

Mr. RAKER. These people who live there are willing to file on the land—

Mr. MANN of Illinois. Oh, I suppose the land is worth \$50 or \$100 an acre.

Mr. RAKER. It is pretty valuable land.

Mr. MANN of Illinois. Possibly worth more than that. Of course, they are willing to file on it if it is given to them.

Mr. RAKER. But the gentleman must—

Mr. MANN of Illinois. I want to know whether that is the theory under which it is proceeding.

Mr. RAKER. The gentleman must remember that in all that country there were only a few places 12 years ago, and the Reclamation Service has gone there and made veritable gardens out of adjoining lands. There is Tule Lake east of them, and they have gone to work and reclaimed the land, and some of it is as fine farming land as you ever saw in your life, in the bed of that lake, which has been reclaimed by keeping the water from running into the lake.

Mr. MANN of Illinois. Was not the Irrigation Service designed to irrigate public lands more than to drain a lake?

Mr. RAKER. That is what they have done. By turning off the river that ran into the lake and using it for irrigation they have done that. It ran into the lake and stayed there, and they have turned the river out of the lake and it has raised every year until about 10,000 acres of farm land have been reclaimed. I saw there a year and a half ago grain standing 4 or 5 feet high, as fine wheat as you ever saw in your life. On Tule Lake east of this neighborhood about 5,000 acres of fine farm land—

Mr. MANN of Illinois. What kind of fertilizer do they use?

Mr. RAKER. They do not need any.

Mr. MANN of Illinois. They do not put any potash on it? I do not ask if they needed any.

Mr. RAKER. No; it is rich enough without it.

Mr. MANN of Illinois. I doubt if you find any lake rich without putting potash on it—

Mr. RAKER. And there is the same condition south of that.

Mr. MANN of Illinois. And I doubt whether it is the case out there.

Mr. RAKER. Let me call attention to this: South of this is another place where they drained 20,000 acres of swamp land on which from $4\frac{1}{2}$ to $5\frac{1}{2}$ tons of timothy a year is raised.

Mr. MANN of Illinois. Very likely.

Mr. RAKER. Just by turning the water off and by irrigating to the extent necessary to cultivate it.

Mr. MANN of Illinois. Well, I am still very cloudy in my mind.

Mr. RAKER. I know the Reclamation Service did what they could to assist in the development, and by their knowledge and by their assistance of every kind, and by their constant work they have brought people in there, and finally they were able to develop the land, and if it was given the opportunity they will develop this in the same way. That assistance has given them the benefit of the railroad which would never have been built except for the Reclamation Service. You see they built a railroad there $2\frac{1}{2}$ miles long—

Mr. MANN of Illinois. Who?

Mr. RAKER. The railroad company, and paid for it themselves.

Mr. MANN of Illinois. The gentleman said, "You see."

Mr. RAKER. I beg the gentleman's pardon. That railroad runs on northwest to Klamath Falls across this marsh about $2\frac{1}{2}$ miles long. They have built a solid embankment that is a dam, and where the river comes in they have these gates there, just what the Reclamation Service wanted to put in, and by the spending of this money they reclaimed land for \$5 and \$6 an acre, whereas under ordinary conditions it would cost from \$25 to \$27 an acre to reclaim.

Mr. MANN of Illinois. Apparently most of the work was done by the railroad company, and most of the money was spent by the Reclamation Service.

Mr. RAKER. The railroad was built by private capital, and they could not have crossed the land without the consent of the Interior Department.

Mr. MANN of Illinois. The \$300,000 is really charged for giving consent; somebody had to do some work.

Mr. RAKER. No, sir.

Mr. MANN of Illinois. I am waiting if somebody can explain how this \$300,000 expended by the Reclamation Service has been any benefit to this land against which it is proposed now to make a charge for the expenditure.

Mr. RAKER. Well, the only thing I can say is that without this work and without this labor this land would be unused, there would be no gates put in there, there would be no entrymen there, there would be no handling of it at all, and it would be a water waste to-day. To-day if these people expend about \$5 an acre they will get title to this land, and it is to be reclaimed.

Mr. MANN of Illinois. That would be the case if this other money had not been spent, would it not?

Mr. RAKER. I do not see how it could have been. The gentleman must remember this. In all of these projects, where there is an expenditure, they try to apportion it so as to make the man who is benefited bear his proportionate part of the general expense.

Now, these Oregon people who own their land and that receive title from the State of Oregon, some 15,000 acres, realized the benefit of it, and came in and entered into a contract with the Reclamation Service to pay back \$104,000 that the Reclamation Service had expended in the examination, which is specified in the report.

Mr. MANN of Illinois. This land was reserved at the time these expenditures were made?

Mr. RAKER. It was, for reclamation purposes and not for a bird reserve. The bird reserve was only an afterclap to this service.

Mr. MANN of Illinois. When was the bird reserve made? When was this nearly \$300,000 expended?

Mr. RAKER. It has been running along for some 12 years. The greater part of it was spent about 8 years ago on the buying of the Adams Canal and the other ditches specified there, the lower Klamath and lake pumping plant. The Adams Canal is a canal that is 30 miles from there, that takes the water east, but it drains the whole valley from Merrill to Klamath Falls, Oreg., and irrigates the land in there to the extent of nearly 150,000 acres.

Mr. MANN of Illinois. Well, I have no doubt it is my own fault in not following the gentleman from California. I think at one time years ago I had this pretty clearly in my head, but it has not been recalled to me yet by anything I have heard. I dare say, after all the discussion on this subject this afternoon—and there has been considerable—that outside of the gentleman from California [Mr. RAKER] and the gentleman from Oregon [Mr. SINNOTT] and possibly one or two other members of the Committee on Public Lands no one here who has heard the discussion has the slightest conception of what is to be done or what has been done.

Mr. RAKER. Let me state this to the gentleman in response to that that on pages 22 and 23 of the report is an itemized account from the Reclamation Service and the reason they expended that money.

Mr. MANN of Illinois. I read that long ago, but that gives no information.

Mr. RAKER. It would have taken 20 pages to have made it in detail.

Mr. MANN of Illinois. It would have taken about two pages to really state the case, and it has not been done.

Mr. SMITH of Idaho. Has the gentleman from Illinois read the opinion of the Assistant Secretary of the Interior?

Mr. MANN of Illinois. I have read all this report. I will not undertake to say that I remember all that is in it, because I do not. I know they reported favorably upon this bill. But while I have a great deal of respect for the opinion of the Interior Department and a great deal of respect for the gentleman from California [Mr. RAKER], I would hate to be the Assistant Secretary of the Interior and have the gentleman from California want me to report one way and decide I was going to report the other way, because he never would let up.

Mr. RAKER. May I call the gentleman's attention to this? He asked me a question just a moment ago that I could not answer. The bird reserve was created by Executive order of September 8, 1908, and was amended by Executive order on May 15, 1915.

Mr. MANN of Illinois. I thought it was quite awhile ago.

Mr. RAKER. It was; and it was made for the purpose of avoiding any question of the disposition of the land.

Mr. MANN of Illinois. The gentleman may be right about that. There was a good deal of agitation about that time in the country in favor of preserving the birds. I believe a very distinguished man by the name of Roosevelt was President at that time.

Mr. RAKER. I am for the protecting of birds.

Mr. MANN of Illinois. He was for bird reserves. He created more bird reserves than anybody else. I do not know that anybody has ever created any except what he created. He created a great many, and he never missed a chance, and he did a great deal of good that way. Now that he is not here we propose to repeal those reservations.

Mr. RAKER. I am for the bird reserve.

Mr. MANN of Illinois. I know.

Mr. RAKER. Just a moment. We have had this up with every department and have gone into it fully, and a personal examination of this land will show that putting this land into farms will do more to protect that bird reserve than anything else that can be done, unless you put 40 or 50 men in there to guard it, because it is a nest of skunks and coyotes and other animals that destroy the birds that come around the edge of the water, because there is this grass that they can conceal themselves in without detection.

Mr. MANN of Illinois. I have often heard gentlemen say before that the way to preserve wild animals was to cultivate the soil, so that they could not kill each other off. You will have to find somebody that knows more about nature than I do—and I do not know much—to make me believe any such stuff as that.

Mr. RAKER. Now, the gentleman will laugh at this: The birds that do stay there in the summer, or a great many of them, the ducks, go out on the mountain ridges, lay their eggs, and hatch their young, and do not hatch them around this body of water.

Mr. MANN of Illinois. I believe that it is a common thing for water birds to go some distance from water and lay their

eggs and hatch their young. That shows that these coyotes that the gentleman says are concealed in the grass could not get them.

Mr. RAKER. Yes.

Mr. MANN of Illinois. You were just saying how dangerous it was, and said that they and the skunks were down there, and you were going to do away with them.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to determine and make public announcement of what lands in and around Little or Lower Klamath Lake, in Siskiyou County, Calif., and in Klamath County, Oreg., ceded to the United States by the State of California by the act entitled "An act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower or Little Klamath Lake, Tule or Rhett Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State," and ceded to the United States by the State of Oregon by an act entitled "An act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situated in Klamath County, Oreg., and Goose Lake, situated in Lake County, Oreg., in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels or by the drainage of any or all of said lakes," will eventually be uncovered and opened to agricultural development by the lowering of the water level of said lake. Title to all said lands can be acquired by homestead entry under the general homestead laws and the provisions of this act and not otherwise: *Provided*, That all said lands shall forever be and remain subject to the right of the United States (a) to overflow the same or any part thereof for the purposes of irrigation by such systems of reservoirs and drainage and diking as now actually exist or may be hereafter constructed in Siskiyou County, Calif., and Klamath County, Oreg., and (b) to drain the water therefrom. All patents issued for the said lands shall expressly reserve to the United States such right of overflow and drainage.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 3, line 8, after the word "drainage," add a comma and "the title and ownership of all minerals and mineral interests in such lands, including oil, are expressly reserved to the United States."

Mr. BANKHEAD. Mr. Chairman and gentlemen, I do not care to take up very much of the time of the committee on this amendment. The declared purpose of the restoration of this land to public entry is based entirely upon its agricultural possibilities. I do not know how many acres of land are included in this area covered by the description in section 1 of this bill, but evidently it is a considerable area of land.

Mr. BLANTON. Thirty-four thousand acres.

Mr. BANKHEAD. I am informed by the gentleman from Texas that it embraces about 34,000 acres. Under the terms of the cession of these lands by the State of Oregon and the State of California, respectively, among the rights, titles, and interest of those States are necessarily included the mineral rights and interests, which were ceded to the Government of the United States. I do not know that in the grants any mineral interests or any mineral rights of this land are included, but I think the time has come when Congress should be careful about granting title without making reservation of the mineral interests on the public domain. The House recently passed a bill of considerable importance providing methods of leasing mineral interests owned by the Government, in order that we might derive some revenue from them. I do not assume that the members of the committee will interpose any objection to this amendment. It is not in contravention of the declared purpose of this reservation, and it seems to me we should, in this section, express a reservation of the Government's title to the mineral interests in these lands.

Mr. MANN of Illinois. Mr. Chairman, I am not opposed to the amendment, if anybody desires to oppose it.

Mr. BANKHEAD. I ask for a vote on the amendment.

Mr. MANN of Illinois. I have the floor.

Mr. BANKHEAD. When the gentleman has concluded I will make that request.

Mr. MANN of Illinois. Mr. Chairman, this bill provides for the disposition of certain public lands, with the reservation that the Government may have the right to overflow them at any time hereafter in connection with irrigation projects.

Now, to anyone who is, practical in his mind, it is perfectly well known that when the Government gives some one the right to go on this land and construct a home on it, and the Government should thereafter decide to overflow the land, the Govern-

ment must pay the expense. I do not know whether this bill is intended to convey the idea that this risk shall be run by the man who acquires title to the land or not. I would like to ask my distinguished friend from Oregon [Mr. SINNOTT] or my distinguished friend from California [Mr. RAKER] whether, if this reservation is put in the deed or patent issued by the Government and the Government exercises its right, it does it without expense?

Mr. RAKER. I would like to hear the gentleman from Oregon first, Mr. Chairman.

Mr. SINNOTT. I think this provision was put into the bill to make it in harmony with the contract that the Government has with the Marsh Land Owners' District. Some 20,000 acres are privately owned by the Marsh Land Owners' District, the parties who put up \$23,500 for the right of getting these gates closed to keep the water from the land, and in that contract there is a provision to the effect that—

2. It is understood and agreed that should the reclamation of said district lands in the manner herein contemplated prove impracticable or be not accomplished in reasonable compliance with the provisions hereof or interfere with the proper reclamation or use of public lands and it should be deemed by the United States necessary or desirable for the purpose of reclaiming or best utilizing the public lands within said marsh or swamp land area, as contemplated by the Oregon act of January 20, 1905 (General Laws of Oregon, 1905, p. 63), and the California act of February 3, 1905 (California Statutes, 1905, p. 4), to flood or overflow the same and to that end to open or regulate the gates in said Klamath Strait, the district will release, and hereby does release, and waive any and all claims for damages against the United States resulting, or that may be claimed to have resulted, to district lands by reason of their being returned on account of the opening of said gates to their normal condition as of the date hereof, or otherwise, it being the intention that the district shall protect and save harmless the United States against claims of any kind which may arise from owners of or claimants to district lands on account of the execution of this agreement.

They reserve that right as against the Marsh Land Owners' Association.

Mr. MANN of Illinois. Apparently they reserve the right to do these things without cost to the Government of the United States.

Mr. SINNOTT. Yes.

Mr. MANN of Illinois. Sometimes the right to do a thing means without cost, but here it is perfectly patent that if this land is occupied and made into homes and then it is overflowed, somebody will be damaged to a very considerable extent. Now, the right to overflow does not mean necessarily that it is the right to overflow without liability for the damage done, and I doubt whether that would exist. The Government of the United States has the right to go and seize property anywhere for certain purposes, but it can not do it without paying for it. It will be very interesting to know what the construction is which is put upon this language by the author of the bill, the reporter of the bill, the only one in the House interested in the bill, if the Government overflows or drains these lands hereafter and those to whom the Government has issued patents are injured thereby. Does that make the Government responsible for the injury?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection?

Mr. MANN of Illinois. I do not care to proceed further.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent that the amendment may again be reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. RAKER. Mr. Chairman, I do not see any objection to this amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I desire to call attention to the fact that the word "lands," in line 22 of page 2, is incorrectly spelled.

The CHAIRMAN. Without objection, the spelling will be corrected.

There was no objection.

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. WATSON of Pennsylvania. A great many questions have been asked regarding the lakes, with very clear answers. I

would like to ask the gentleman from California [Mr. RAKER], the author of the bill, if these lakes are connected; do the waters flow one to the other; are there a succession of lakes? Down to where these lakes begin, the lower Klamath Lake, I suppose it is about 25 miles, is it not?

Mr. SINNOTT. I think so; but there is only one lake covered by this bill. The other lakes referred to on page 2 are not covered by the bill.

Mr. RAKER. I get the gentleman's question now. There is only one lake covered by this particular bill. Then there is another lake 35 miles farther east, known as Tule Lake or Rhett Lake. Forty miles farther is Clear Lake, and 40 miles farther, between Oregon and California, is another lake, known as Goose Lake, about 60 miles long and 25 miles wide, but that has nothing to do with this legislation.

Mr. WATSON of Pennsylvania. The gentleman spoke about building a conduit to draw the water from the lakes and said that probably there would be sufficient water to operate a large water-power plant. Is that the idea?

Mr. RAKER. That was the original idea.

Mr. WATSON of Pennsylvania. Is that the water from this particular lake?

Mr. RAKER. No; not from this particular lake at all, but from the Klamath Lake; that is, going down the Klamath River and over the Keno Falls a large water-power development could be had. That has nothing to do with this lake at all.

Mr. WATSON of Pennsylvania. Why are there so many lakes mentioned in the bill when it refers only to one lake?

Mr. RAKER. Because that is the title of the act of the Legislature of California, and the title of the act of the Legislature of Oregon, and the title of the act of Congress enacting this legislation originally.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 4. That in addition to all payments required by the general homestead laws there shall be paid by homestead entrymen the amount per acre assessed as provided in section 2 of this act. Said payment shall be made in annual installments of \$1 per acre except the last installment, which may be a fraction of a dollar: *Provided*, That the whole or any part of the amount so assessed may be paid by the entryman in a shorter period if he so elects. The first installment shall be paid at the time homestead application is filed and subsequent installments shall be due and payable on December 1 of each calendar year thereafter until the entire sum so assessed and apportioned against the lands is paid, and patent shall not issue for any of said lands until the sum so appropriated against said lands shall have been fully paid. Failure to pay any installment when due shall render the entry subject to cancellation, with a forfeiture of all moneys paid. All assessments shall draw interest at the rate of 8 per cent per annum from their due date until paid. All moneys paid on account of such assessments shall, without diminution of any kind whatsoever, be covered into the reclamation fund.

With the following committee amendment:

On page 4, line 22, strike out "eight" and insert "six,"

The committee amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer an amendment to correct the misspelling of a word. On page 4, line 18, the word "appropriated" should be "apportioned."

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read the amendment, as follows:

Amendment offered by Mr. RAKER: Page 4, line 18, strike out the word "appropriated" and insert in lieu thereof the word "apportioned."

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, there is another matter of misspelling of a word. The word "diminution," in line 24 is incorrectly spelled. It should be corrected.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word indicated by the gentleman from Alabama.

There was no objection.

Mr. MORGAN. Mr. Chairman, I move to strike out the last word. I desire to ask the author of the bill a question in regard to the rate of interest. In lines 21, 22, and 23 it is provided that—

All assessments shall draw interest at the rate of 6 per cent per annum from their due date until paid.

As I understand it, this provides only for interest on the purchase money after the purchase money is due. That is, if a man purchases a piece of land and there is a payment due the first year, the second year, the third year, and so forth, if he pays the money when the payments are due, he pays no interest at all.

Mr. RAKER. That is the purpose of it, that interest shall be paid only on deferred payments. The way it is now the Government is getting nothing, but as soon as these men file,

and the payments are made at certain times, the Government will have its money all returned that it has expended.

Mr. MORGAN. How long will these payments run?

Mr. RAKER. About three years, according to the bill.

Mr. MORGAN. Does not the gentleman think that the Government ought to charge interest on these deferred payments?

Mr. RAKER. No; the Government is getting nothing now, but by opening up this land for settlement the Government gets back the whole \$285,000, and interest from the time the payments become due.

Mr. MORGAN. But the settlers get these lands by paying these little assessments. The gentleman has stated that the lands are worth from \$25 to \$100 an acre, some of the best lands in California, and these men are to get them under the homestead law and pay nothing only this little assessment.

Mr. RAKER. It is the same way in the Reclamation Service. You do not pay interest on the money that has been expended, but only on the deferred payments after they become due.

Mr. MORGAN. That is true. But does the gentleman think that the same principle should apply here that applies in the Reclamation Service?

Mr. RAKER. Surely. You should not make any distinction here. These people are doing a gracious thing by paying back the money, and if you apply the same rule of law here that you apply to the Reclamation Service, where we have spent \$100,000,000, you are treating them all alike.

Mr. MORGAN. But they do not pay the full value of these lands.

Mr. RAKER. Of course not. None of them do. In the Reclamation Service they pay only for the water.

Mr. MORGAN. You pay what it costs to reclaim the land, and if you pay what it costs to put the water on the land you pay what it is worth.

Mr. RAKER. You simply pay for the water.

Mr. MORGAN. And that amounts to \$50 or \$75 or \$100 an acre.

Mr. SINNOTT. The gentleman should remember that originally these were not lands of the United States, but they were ceded to the General Government by the State of Oregon and the State of California for reclamation purposes under the act which required their disposal.

Mr. MORGAN. Well, these States get no part of this payment for these lands.

Mr. RAKER. No; the States get nothing for the land under this bill, but the Government will be reimbursed to the amount of \$179,327, and the balance of the \$283,225 comes from this Oregon drainage district.

Mr. MORGAN. Is it not a fact that the Government in the disposition of Indian lands makes the settlers pay interest on the deferred payments from the date of the purchase? Is not that the general rule in the disposition of Indian lands under the homestead entry?

Mr. SINNOTT. I do not remember the particular rule.

Mr. MORGAN. It seems to me the settlers get these valuable lands under the homestead law by making small payments.

Mr. SINNOTT. The gentleman from Oklahoma must remember that these settlers are the soldiers to whom he paid such an eloquent and glowing tribute a short time ago.

Mr. MORGAN. If I was doing it I would strike out the deferred payments and give it to the soldiers without any assessment at all. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Sec. 5. That those who served with the military or naval forces of the United States during the war between the United States and Germany and her allies and have been honorably separated or discharged therefrom or placed in the Regular Army Reserve shall have preference and prior right to file upon and enter said lands under the homestead laws and the provisions of this act for a period of six months following the time said lands are opened to entry. That in opening said lands for homestead entry the Secretary of the Interior shall provide for the disposition thereof to the said soldiers, sailors, and marines, by drawing, under general rules and regulations to be promulgated by him.

Mr. WALSH. Mr. Chairman, I move to insert in line 5, after the word "Army," the words "or Naval."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 5, after the word "Army," insert the words "or Naval."

Mr. WALSH. Mr. Chairman, I desire to ask the chairman of the Public Lands Committee if it is not desirable to make this provision similar to the one which was contained in the measure we passed a little while ago.

Mr. SINNOTT. I agree with the gentleman that it should be made to conform with the other amendment.

Mr. WALSH. I understand that this gives these persons who served in the military or naval forces a preference and

prior right to file. Does not the gentleman think that this preference should be conditioned upon not having refused to render service or wear the uniform of the United States, the same as we had in the other bill which was passed some time ago? We put in a provision in that bill that the rights and benefits conferred by the act should not extend to any person who, having been drafted for military service under the provisions of the selective-service act, refused to render military service or wear the uniform of a soldier of the United States.

Mr. SINNOTT. I see no objection to that and I think it ought to be in.

Mr. WALSH. Then I will offer an amendment later to that effect.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. WHITE of Kansas. Mr. Chairman, I desire to offer an amendment. I move to amend by striking out, in line 7, the word "months" and inserting the word "years."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 7, strike out the word "months" and insert in lieu thereof the word "years."

Mr. WHITE of Kansas. Mr. Chairman, through some inadvertence, possibly through neglect of my legislative duties, I did not attend the sitting of the committee at the time this bill was reported. With as careful examination as I have been able to give it in the few minutes I have been here, I think it would be wise, basing my conclusion upon the information furnished by the gentleman from California, to make this bill a miniature of what is proposed to be done in the Lane-Mondell bill. I gather from the information furnished by the gentleman from California that the curse that fell upon the land when our first parents were driven from the Garden of Eden did not fall upon this particular tract of land.

Mr. BLANTON. Will the gentleman yield?

Mr. WHITE of Kansas. I have such a short time—

Mr. BLANTON. I did not understand what the gentleman said exactly. Did he say the Lane-Mondell bill?

Mr. WHITE of Kansas. The gentleman from Texas understood me. I do not wish to be interrupted by frivolous questions. The fact is, gentlemen of this committee, when the Lane-Mondell bill was reported it seems to have made little progress, despite the fact that nine gentlemen on the minority side and eight on the majority reported the bill favorably.

Taking the statement of the gentleman from California [Mr. RAKER], who seems to be thoroughly familiar with the circumstances, a gentleman associated with me upon the Public Lands Committee, that we should—and I speak seriously—make this a miniature, if we can, of the Lane-Mondell bill.

There is not enough land involved here to do any harm. The country would suffer no inconvenience, agriculture would not be disturbed in any way if this land should not come under settlement as rapidly as might be if it was open for six months and the ex-soldiers did not care to file on this land.

Now, I would like to ask the gentleman from California if the jurisdiction which is extended in this section to the Secretary of the Interior, as suggested in the last paragraph, in offering the land for homestead entry would carry the power to designate the amount of land into which each tract would be subdivided for the purpose of homesteading. Can the gentleman make that statement?

Mr. RAKER. My view is that it would be 160 acres under the homestead law by paying the assessment that goes to the reclamation fund.

Mr. WHITE of Kansas. I thank the gentleman for the information. The description given by the gentleman is in such glowing terms, that 10,000 tons of hay went to waste, would seem to give the negative suggestion made by the gentleman from Massachusetts a few days ago in discussing some of this western country. I was led to believe that if the King of Babylon when he was serving out his sentence, when he was driven from the kingdom, did eat grass and had depended on the pasturage of Wyoming or some of these Western States he would have perished for the want of grass before he had completed his sentence. [Laughter.] It seems that it does not apply in this case. Speaking seriously, I believe this amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARD. Let the gentleman take five minutes.

Mr. WHITE of Kansas. I shall not take more than one to complete the statement. The small amount of land in this tract, the wonderful opportunity here presented, the fact that this land will be under the disposition of the Secretary of the Interior, all this will afford that department of our Government a chance to demonstrate in this instance, where no grant of land is involved, the desirability of such legislation by giving six years in which the soldiers may have an opportunity in which to file and avail themselves of the opportunity presented in the measure. I want to say to you in the time that has been so kindly granted to me that there is a question in my mind, speaking from a general standpoint, whether the soldiers of this country in large number care to enter the occupation of agriculture at this time. It is a question in my mind whether the soldier's settlement bill proposed in the Lane-Mondell bill, or even in the Morgan bill—and I favor the Morgan bill from start to finish and so declare it here—will be attracted in large numbers from the congested population of our cities into the profession of agriculture.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. WHITE of Kansas. Mr. Chairman, I ask for a vote on the amendment.

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Kansas has made a very clear statement, but it does not apply to the matter in hand. As an illustration, let us say this is provided for six years—

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WHITE of Kansas. I would like to ask the gentleman this question. He is familiar with the circumstances and with the provisions of the bill. He knows the physical conditions that exist, and he has given a clear exposition of the matter in our hearing. Does the gentleman from California not believe that this land will be quickly taken by the soldiers?

Mr. RAKER. It will be taken.

Mr. WHITE of Kansas. And that it should be exclusively for them?

Mr. RAKER. Yes.

Mr. WHITE of Kansas. Then, what objection can he have to my amendment?

Mr. RAKER. That is the reason I am going to explain.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MORGAN. Just prior to the consideration of this bill we took up and passed a joint resolution in which it was provided that two months would be granted in which to make entry. I endeavored to have that amended to make it six months.

Mr. RAKER. Just put the question and I will endeavor to answer it.

Mr. MORGAN. I will try not to take up too much of the gentleman's time, and if I do I will get his time extended. In the gentleman's bill—

Mr. RAKER. This is the committee's bill.

Mr. MORGAN. He provides for six months in which the soldiers may make entry, and if I remember correctly, when I proposed my amendment to the other bill he opposed my amendment.

Mr. RAKER. The gentleman did not hear me say anything about it.

Mr. MORGAN. Is there not some inconsistency—

Mr. RAKER. The gentleman did not hear me say anything about his amendment.

Mr. MORGAN. Perhaps I am mistaken, but is it not inconsistent to pass one bill giving—

Mr. RAKER. Oh, do not take up my time. Ask the question.

Mr. MORGAN. Is it not inconsistent to pass one bill giving two months preference and immediately afterwards report a bill and pass it giving six months. Is not that an inconsistency?

Mr. RAKER. To provide for six months after the land is thrown open will give the soldiers, those provided for in the bill, an opportunity to file their applications. The land will be disposed of at the first drawing. As an illustration, 40 miles from this, over on the west side, there were about 5,000 acres of land opened two years ago under the drawing plan. There was no rush, no crush; there was nothing of people spending their money foolishly. The land was declared to be open, and they could proceed to make their filings. They sent their applications in, and those who succeeded in getting the land were authorized to make their filings, and the land was all disposed of at the first drawing, and everyone was satisfied.

In six months this will be disposed of, but under the gentleman's amendment it would continue it along for six years. They would have to wait six years before the Secretary of the

Interior could dispose of the land at all. It would delay the matter for six years. We say to give them six months. The Secretary can dispose of all of it. Every bit of it will be taken. There are enough men now ready and willing and anxious throughout this country, multiplied by twenty thousand, to take this land and ten times more, who were soldiers, and who want to take land, but do not hold this off for six months for opening.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WHITE of Kansas. Does the gentleman carry the idea that it would affect the disposal of the lands in the least?

Mr. RAKER. Yes; for that period.

Mr. WHITE of Kansas. Will not the applications be made at once?

Mr. RAKER. For a period of six months, following the time the lands are open for entry. The Secretary of the Interior in six months can by advertising and by the drawing plan have every acre of that land with a man on it, and there will be no vacant land, and they will all be soldiers. I hope the gentleman will not insist upon his amendment.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word of the amendment. I am very much interested in the amendment suggested by the gentleman from Kansas [Mr. WHITE]. I can not understand this section myself. It says that these soldiers, sailors, and marines shall have a period of six months only after the passage of this act and the opening of the land for settlement. They will not know anything about it in six months' time. It seems to me that while perhaps six years is too long a period, it ought to be longer than six months. Six months looks to me a good deal of a camouflage, and I think we ought to do something for these soldiers that we have talked about.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. RAKER. Although this bill is general, and it should be, does the gentleman not know that there are enough men within 20 miles of this land who were in the service, who are back home, who are ready to file on this land if they get a chance?

Mr. EMERSON. Would these men have the opportunity to go in there in six months' time to take up this land?

Mr. RAKER. Yes; six months after the land is opened to make their applications to take the land.

Mr. EMERSON. I want to understand the gentleman. Do they know about this opportunity?

Mr. RAKER. I will say maybe within a 50-mile radius of this land there are enough soldiers—

Mr. EMERSON. That does not answer the question. Will they know about it?

Mr. RAKER. They know about it now. They know this bill is pending, are anxiously awaiting its passage and approval, and will get on the land the first moment they are given the opportunity. Give them a chance.

Mr. EMERSON. If the gentleman says they know it now, I do not wish to argue it further.

Mr. GARD. Will the gentleman yield before he takes his seat? Is it the proper purpose of this bill, in the gentleman's mind, that this service shall be extended only to soldiers within a radius of 20 or 50 miles of this land, or should it be general?

Mr. EMERSON. I think it should be general. At the same time, I am not particular. I am in favor of doing something for the soldiers, sailors, and marines. We have done nothing so far. We have not done a thing, and I think we ought to do something.

Mr. RAKER. Then let us vote for this bill and dispose of it. There are enough of them now within a short radius who know about it to take up this land.

Mr. EMERSON. If there are enough there now to take up the land, I will withdraw any objection I have.

Mr. MANN of Illinois. Mr. Chairman, I hope we will not adopt the policy of saying that no one shall go upon the public lands except those who were drafted in the recent war. In the first place, I would not cut out all men who were under the proper age, either too young or too old. The soldiers are not mendicants. To hear some talk around the Halls of this House one would think that the soldier boys who went into the war—those who went across the water and those who did not—who have been discharged from service are now on their uppers, dependent upon charity for a living. That is not the case. They are just as able to take care of themselves as anybody in the country, quite competent to look after their interest individually. What a great many men of this House fear is that they are too competent to look after their interests collectively, and that because they may organize, therefore, men here must bow abjectly to what they think is to the interest of the soldiers,

though the soldiers may not want it, without regard to the interest of the rest of the people. There are a great many other people in the United States besides the four millions who went into the war. There is no reason why all the rest of the people of the country who were not subject to draft should be prevented from having an opportunity to gain a homestead right, and I hope that we will not get so far gone or stricken with terror by some imaginary dragon that may threaten us that we will forget all the people of the United States except those who may be particularly our wards in one sense—the soldiers. I feel quite willing to give the men who went into the Army some preference. We passed a bill awhile ago to give them a preference of two months in making application for homesteads. That is a considerable preference. All of these preferences are to the interest not of the soldiers generally throughout the country, but the soldiers locally in the district where the land is open. Now we have a bill to give them six months' preference, and I must confess it is rather difficult for me to understand how the same committee reports a bill, general in its character, to give two months' preference and then a special bill, introduced by one member of the committee, to give six months' preference.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. TIMBERLAKE. Does not the gentleman from Illinois believe that there is quite a difference between the provisions of the joint resolution passed this morning and this bill, the former providing 60 days' preferential right of entry to homesteads, whereas this provides six months in which selection must be by drawing by lot?

Mr. MANN of Illinois. Oh, it is to enter under the homestead laws just the same as the other, and the other may be by lot. There is no difference between the two provisions.

Mr. SINNOTT. Under section 4 of this bill the applicant has to make payment down of a dollar an acre.

Mr. MANN of Illinois. Very likely there is a difference, but that is not substantial at all. The amendment that is now pending is to make it six years. Now, it will amount to nothing as far as this bill is concerned, I take it, and probably will not amount to anything as far as any land is concerned that is worth anything, and it is not to the interest, in my judgment, to advertise to any man that he has a preference to do something which is a damage for him to do, and there will be some of these public lands that are not an asset but a liability if the man gets it. There is no reason for extending the time, and there is no reason why everybody here should be carried off his feet in the way of legislation and act as though the only people we had to look after at all in the country were the men who went into the Army, and we have to look after them as though they were charity seekers and had to be taken care of out of the Public Treasury. If there is any class of people in the country who are able to work their own way along by their own efforts, it is the young men of the country who went into the war and who, in addition to their natural ability, acquired the learning that enables them to take care of themselves. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 12, strike out the period and insert a colon and add the following: "Provided, That the rights and benefits conferred by this act shall not extend to any person who, having been drafted for military service under the provisions of the selective-service act, shall have refused to render military service or to wear the uniform of a soldier of the United States."

Mr. WALSH. Mr. Chairman, that is identical with the proviso contained in the joint resolution which we passed sometime ago.

Mr. SINNOTT. Mr. Chairman, I hope the amendment will be adopted.

The question was taken, and the amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I move to strike out the last word. I desire to ask the author of the bill, the gentleman from California [Mr. RAKER] in regard to the first line in section 5, page 5. Now, in the bill we passed this morning it says "any officer, soldier, sailor, or marine" shall have certain rights of entry. In section 5 of this bill it starts out and says:

That those who served with the military or naval forces of the United States.

Mr. RAKER. I will answer the gentleman's question.

Mr. MORGAN. Wait until I ask the question, my dear friend. My question is this: Do those words, "those who served," and so forth, mean the same as "officers, soldiers, sailors, marines," and so forth?

Mr. RAKER. That means everybody in the service of the United States during the war.

Mr. MORGAN. Does it include the nurses that were in service in the Army and Navy?

Mr. RAKER. All of them that were in the service in the war.

Mr. MORGAN. So this language was intended to include nurses, for instance?

Mr. RAKER. I asked the same question of Mr. MONDELL when he appeared before the committee—and this provision is the same as in the Mondell-Lane bill—and Mr. MONDELL said, "Yes; I believe it does include nurses."

Mr. MORGAN. It includes nurses?

Mr. RAKER. Yes.

Mr. MORGAN. Does it include field clerks, so called?

Mr. RAKER. All that were enrolled in this service.

Mr. MORGAN. It says all who served with the Army and Navy. Does it include Y. M. C. A. workers?

Mr. RAKER. It includes all who were enrolled.

Mr. MORGAN. This does not say "enrolled."

Mr. RAKER. This language was intended to apply to all those who served in any capacity in the Army.

Mr. MORGAN. It says "who served with," but does not say "who served in" the Army or Navy. It says those who served with the military service. So that it includes Y. M. C. A. workers—

Mr. RAKER. I do not think so.

Mr. MORGAN. And Knights of Columbus.

Mr. RAKER. I do not think it does. They were not in the Army.

Mr. MORGAN. They served with the Army and Navy.

Mr. RAKER. I do not think so.

Mr. MORGAN. It does not say enrolled. I think the gentleman ought to amend this language so as to make it specific and certain.

Mr. RAKER. Everybody so concedes it.

Mr. MORGAN. Well, I am somebody, and I do not concede it.

Mr. RAKER. I beg the gentleman's pardon.

Mr. MORGAN. And I do not think the gentleman is justified in saying everybody would. The gentleman does not know how this would be construed. We ought to be definite and certain in our language so far as we can. I asked a very distinguished gentleman of this House what that meant, and he said it would only include soldiers, sailors, and marines, because it said down there further that they should be honorably discharged or separated from the service. A very distinguished gentleman of this House puts that construction on it.

Mr. WALSH. Will the gentleman from Oklahoma yield?

Mr. MORGAN. Yes.

Mr. WALSH. Does not the gentleman think that in line 1 the word "in" should be substituted for the word "with"?

Mr. MORGAN. Would not that exclude nurses? Now, the gentleman intends to include nurses.

Mr. WALSH. It does not exclude them.

Mr. MORGAN. Why not?

Mr. MANN of Illinois. Nurses are a part of the Army.

Mr. WALSH. They are enrolled and discharged the same as a soldier.

Mr. MORGAN. Mr. Chairman, my object was to get before the committee just what was meant by this language. I do not know that I have any objection to the broad construction put upon it by the gentleman from California [Mr. RAKER]. I will not offer any amendment, but I wanted to get into our minds just what we were intending by this.

Mr. GARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The gentleman from Ohio [Mr. GARD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: On page 5, line 1, strike out the word "with" and insert the word "in."

Mr. GARD. Mr. Chairman, I do this because the House just passed House joint resolution No. 20 a few moments ago, in which the language then given legislative approval was providing the privilege of entering on land to officers, soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Germany. So it seemed to me that, in order to prevent any possible confusion of language as to whether some outsiders attached to the organization would be included in this, it would be best to make it positive and limit it to those who served in the Army and Navy and certain other forces.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. Most assuredly.

Mr. WALSH. I would like to ask the gentleman from Ohio, who watches legislation very carefully and critically, what is the reason for the language "during the war between the United States and Germany and her allies"? We were not at war with any of the allies of Germany—

Mr. GARD. With Austria.

Mr. WALSH (continuing). Except one. Does not he think if we strike out "and her allies" that the legislation would be sufficiently comprehensive?

Mr. GARD. I think so. I think it would be sufficiently comprehensive to leave out the word "allies."

Mr. MANN of Illinois. Would the gentleman permit me to interject a question there? If the House passes two bills on the same day on the same subject, from the same committee, and in one place refers to it as "the war with Germany" and in the other as "war with Germany and her allies," would not a person construing the statute assume there was some reason for making the distinction?

Mr. GARD. Yes; the reason would be the more comprehensive mind of the gentleman from California [Mr. RAKER].

Mr. MANN of Illinois. No. Both bills were prepared by the Department of the Interior, probably by the same clerk, with the usual carelessness of clerks up there in preparing bills, and that carelessness ought to be corrected when it comes to a body like this, that is careful. We are always careful here.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, in order to make the bill correspond the best we can with the joint resolution that was passed this morning, it seems to me, if it has not already been done, that the language "six months," on line 7 of page 5, should be stricken out, and the words "60 days" inserted instead.

Mr. SINNOTT. That has been inserted already.

Mr. GARD. I was under the impression that it had not been.

Mr. SINNOTT. No; I was mistaken in that.

Mr. GARD. Strike out the words "six months" and insert the words "60 days."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

Mr. SINNOTT. Would not that be subject to a point of order? We have already voted to retain "six months."

Mr. GARD. No; we have not. There has been no vote on that.

The CHAIRMAN. The gentleman from Oregon is mistaken. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 5, line 7, strike out the words "six months" and insert in lieu thereof the words "60 days."

Mr. MORGAN. Mr. Chairman, I wish to oppose the amendment.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. MORGAN. Mr. Chairman, it is true that this amendment would make this bill correspond with the resolution that we passed a little while ago, but I do not think that it would be well to have two bills wrong. We had better have one bill right and one wrong than two wrong. I think the other bill or resolution was wrong. I think this is right. I think the soldiers should be allowed six months at least. We ought to give the soldiers six months' benefit. Two months is too short. I hope the House will not amend this bill and make it wrong when it is already right.

Mr. GARD. Mr. Chairman, there is absolutely no difference, so far as I can read, between House joint resolution 20 and this bill, H. R. 8440, so far as the privilege of entering upon the public land is concerned; and as frankly stated by both the gentleman from Oregon [Mr. SINNOTT] and the gentleman from California [Mr. RAKER] there is no question but that this land, opened in the territory where it is, will be immediately entered upon by those in the military service who happen to reside in the very limited territory contiguous thereto.

Mr. RAKER. Oh, I beg the gentleman's pardon. He is mistaken. I merely asked the gentleman from Ohio [Mr. EMERSON] if there were enough men to fill that land. But it will be opened generally by soldiers throughout the United States.

Mr. GARD. But those people will be the ones who will enter and file upon it.

Mr. SINNOTT. There will be more applicants than land to supply them.

Mr. GARD. I see that the bill is so drawn that the land can be entered by soldiers generally, but everybody knows that this

land out there, while general in its nature, is truly and literally restricted in its benefits locally. I do not think there is going to be any exodus of soldier boys from Boston or New York or Maine or Massachusetts or Ohio to take up any of this land out on the shores of Goose Lake. The boys in the majority of the States of the American Union are competent and willing and able to take care of themselves, and they do not care to enter upon these lands, so that the whole thing resolves itself down to a question of giving land locally to people in that limited territory. They all know about it, and they will enter upon it in 60 days or in six minutes.

Mr. RAKER. I am sorry, Mr. Chairman, that the gentleman made his statement that it would be all local. In the last two weeks there have been at least 10 gentlemen residing in Washington who have inquired of me and others as to opportunities in the West where their soldier sons may get public lands. The gentleman says it will all be a local affair, because these other people have not been advised. If you make it six months, there will be that much more notice and so much more opportunity offered for other people to go out there and establish their claims if they want to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WALSH. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 14, noes 23.

So the amendment was rejected.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

Mr. BANKHEAD. On page 5, line 3, strike out the words "and her allies."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 5, line 3, after the word "Germany," strike out the language "and her allies."

Mr. SINNOTT. Mr. Chairman, I will accept that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the Secretary of the Interior shall determine which of the lands now within the boundaries of the Klamath Lake Bird Reserve are chiefly valuable for agricultural purposes and which for the purpose of said reservation, and shall open to homestead entry those lands which are chiefly valuable for agricultural purposes: *Provided*, That the shore line of the lake, including the smallest legal subdivision of land adjoining the flow line, shall remain in the possession of the United States, but access may be provided to the lake for such canals as may be necessary for irrigation, drainage, and domestic water supply.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. Mr. Chairman, I desire to ask the chairman of the committee [Mr. SINNOTT] or the gentleman from California [Mr. RAKER] what the meaning of the language is in lines 23 and 24, on page 5, "are chiefly valuable for agricultural purposes and which for the purpose of said reservation"? What does that mean? Does it mean the lands which are valuable for the purposes of said reservation?

Mr. SINNOTT. More valuable for a bird reserve than for agricultural purposes.

Mr. WALSH. It says:

which of the lands * * * are chiefly valuable for agricultural purposes and which for the purpose of said reservation.

Does that mean which is valuable for the purposes of such reservation?

Mr. SINNOTT. I should think that the Secretary would determine what land is more valuable and needed for the bird reserve, and if he finds that it is valuable for the bird reserve it would not be subject to entry.

Mr. WALSH. Then the gentleman thinks that means—which * * * are chiefly valuable for agricultural purposes and which—
are chiefly valuable—

for the purpose of said reservation?

Mr. SINNOTT. Yes. I think it is qualified by the word "chiefly."

Mr. WALSH. Does the gentleman from California [Mr. RAKER] agree with the chairman of the committee in that regard?

Mr. RAKER. I understand that the Secretary is to make two designations, first, of those chiefly valuable for agricultural purposes and, second, of those chiefly valuable for the bird reserve.

Mr. SINNOTT. If the gentleman will allow me, I will read from the letter from the Department of Agriculture on that matter, found on page 4 of the report. It is stated by the Acting Secretary that—

Section 7 of the bill provides that the Secretary of the Interior shall determine which lands are chiefly valuable for agriculture and which are chiefly valuable for the purposes of the reservation.

Mr. WALSH. Then this language is intended to convey that idea?

Mr. SINNOTT. That would be my construction of it.

Mr. WALSH. Upon consideration I will withdraw the pro forma amendment.

Mr. MANN of Illinois. I should like to make an inquiry about this section. Is this the same land that is provided for in the rest of the bill or is this different land?

Mr. RAKER. This is the same land.

Mr. MANN of Illinois. Is this the only authority that the Secretary now has? Is it under this section?

Mr. RAKER. I do not believe so. I think it is provided in section 3 of the bill that the land shall be surveyed and opened to entry; but the department in going over it believed it would be advisable to make the special designation contained in section 7.

Mr. MANN of Illinois. The department are of the opinion that doing a thing once was not sufficient.

Mr. RAKER. Not in that way.

Mr. MANN of Illinois. That it was necessary to do it twice?

Mr. RAKER. Not in that way.

Mr. MANN of Illinois. Having provided in the bill for the disposition of the land, having provided who should have the right to take it, having made provision for the disposition of it in every way once, then you start in a second time and make a second disposition of it?

Mr. RAKER. I do not quite gather that view of it. This specifically says that the Secretary shall make ascertainment, and when he finds that the land is chiefly valuable for agricultural purposes he shall set it aside for that purpose. If there is any doubt, it goes to agriculture; but if it is chiefly valuable for the bird reserve, it is retained in the bird reserve.

Mr. SINNOTT. Will the gentleman yield for a question?

Mr. RAKER. Yes.

Mr. SINNOTT. As I understand it, the bird reserve does not cover all of the lands in question.

Mr. RAKER. Yes; it covers all of the lands in question and other privately owned lands besides.

Mr. SINNOTT. I understood that the bird reserve was a smaller portion of the entire area.

Mr. RAKER. No; the bird reserve covers all of this land and even privately owned lands as well as public lands.

Mr. MANN of Illinois. Mr. Chairman, I do not know what wonderful mind drew this bill introduced by the distinguished gentleman from California [Mr. RAKER], but I will absolve him from that responsibility in his own interest.

Section 3 provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause said lands to be surveyed and opened to entry under the general homestead laws and the provisions of this act.

Then the bill goes ahead and makes provision in reference to those lands that the Secretary is ordered to throw open to homestead entry, and it provides that ex-soldiers and ex-sailors shall have a preference right, and provides that those who go upon the lands before they are thrown open shall have no right. Then having disposed of all of the lands, along comes this section 7 and says that the Secretary of the Interior shall find out which lands are chiefly valuable for agricultural purposes and which are chiefly valuable for some other purposes. I do not know just what would happen then. It is the same land which you have provided shall be thrown open to homestead entry. Then it directs the Secretary of the Interior to find which of these lands are chiefly valuable for a bird reserve. What difference does it make? You ordered them thrown open to homestead entry. I am trying to get information. Do not understand that I am making positive statements. They are all followed by an interrogation mark.

Mr. RAKER. The land is to be surveyed—

Mr. MANN of Illinois. That is, under section 3.

Mr. RAKER. Yes. Then, the Secretary of the Interior must designate which lands are chiefly valuable for agriculture. That designation then opens that land for homestead entry.

Mr. MANN of Illinois. But section 3 provides that said lands shall be surveyed and opened to entry under the general homestead law.

Mr. RAKER. That is all right.

Mr. MANN of Illinois. Having thrown them open to entry, they are subject to entry.

Mr. RAKER. That is, subject to the subsequent entry. Section 7 was inserted in the bill so that we could hedge around, so that we could protect the bird reserve, so that there would be no misunderstanding and no disagreement after the many conferences that have been had between the various departments, so that the land chiefly valuable for agriculture should be opened to homestead entry and the land chiefly valuable for the bird reserve should remain in the bird reserve, unaffected by this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN of Illinois. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. LAYTON. Will the gentleman yield to allow me to ask a question?

Mr. MANN of Illinois. Yes.

Mr. LAYTON. It seems to me the obscurity in this language can best be illuminated by the use of a medical expression.

Mr. MANN of Illinois. Let us not have any Latin terms that we do not understand.

Mr. LAYTON. I simply offer this for purposes of elucidation. It seems to me that the section merely throws upon the Secretary of the Interior the power to make a differential diagnosis between lands chiefly valuable for agricultural purposes and those chiefly valuable for the bird reserve, and that is about all there is in it.

Mr. BEGG. Will the gentleman yield for a question?

Mr. MANN of Illinois. Yes.

Mr. BEGG. I should like to have the gentleman's opinion as to what the Secretary of the Interior will do in the dilemma in case he finds that neither one is fit for agricultural purposes.

Mr. MANN of Illinois. He is directed by section 3 to cause said lands to be open for entry under the general homestead law. The additions suggested by the gentleman—"and provisions of this act"—would have reference to the preference of the soldier. He is directed to open all the lands to homestead entry under section 3. Under section 7 he is directed to find out which of the lands is chiefly valuable for agricultural purposes, and only open them to homestead entry. My inquiry, first, was whether these were the same lands. Having directed him to throw them all open to homestead entry I did not see how it was practicable in another part of the bill, in reference to the same lands, to direct him to throw only a part of them open to entry.

Mr. RAKER. If the gentleman will yield, the gentleman from Illinois is always clear on these matters and sees that the bills are in proper shape, and we commend him for it. Will the gentleman look at lines 21 and 22, on page 3, "open to entry under the general homestead law and the provisions of this act"? Turning to section 7, a part of the provisions of this act, it says that in addition to the preference rights the Secretary must designate which of the lands is chiefly valuable for agricultural purposes.

Mr. MANN of Illinois. Section 3 directs him to open all the lands for homestead entry, and where it puts in "under the provisions of this act," that is in connection with the homestead law and is to take care of the preference given to soldiers. I do not know how the Secretary of the Interior will construe such a statute. It may be that he knows what it means.

Mr. RAKER. This language was gone over by the Department of the Interior, by the Reclamation Service, by the lawyer of the Reclamation Service, by the Secretary of Agriculture, by the Biological Survey and the specialists in that division, by the various officers of that service to the end that we should keep as much of the land as is fit for the bird reserve and only throw open that which could be used for agricultural purposes.

Mr. HICKS. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. HICKS. In the event of the contingency happening mentioned by the gentleman from Ohio that the land is not fit for a bird reserve or for agricultural purposes, the birds would still have a right to stay there?

Mr. MANN of Illinois. I will refer that to the gentleman from California.

Mr. KITCHIN. I think the explanation ought to be satisfactory.

Mr. MANN of Illinois. If it is satisfactory to the gentleman from North Carolina, all right.

The Clerk completed the reading of the bill.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The question is on the motion of the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. BLANTON) there were, 30 ayes and 4 noes.

So the committee determined to rise.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8440) to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Calif., and Klamath County, Oreg., and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment; if not, the Chair will put them in gross?

There was no demand for a separate vote and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 43 ayes and 6 noes.

So the bill was passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. DEWALT (at the request of Mr. WHALEY) was given leave of absence, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9822. An act to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication; and

H. R. 3754. An act to amend sections 8 and 21 of the copyright act, approved March 4, 1909.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2497. An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct.

ADJOURNMENT.

Mr. SINNOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Thursday, December 11, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Agriculture, transmitting a detailed statement of the manner in which the appropriation "Miscellaneous expenses, Department of Agriculture, 1919," has been expended (H. Doc. No. 498); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

2. A letter from the Commissioner of the Freedman's Savings Trust Co., transmitting annual report for the year ended December 1, 1919 (H. Doc. No. 499); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

3. A letter from the Acting Secretary of the Interior, transmitting report received from the Commissioner of the General Land Office with his letter of November 29, 1919 (H. Doc. No. 500); to the Committee on Expenditures in the Interior Department and ordered to be printed.

4. A letter from the Secretary of Agriculture, transmitting statement of expenditures under the act of August 10, 1917 (H.

Doc. No. 501); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

5. A letter from the Acting Secretary of Commerce, transmitting report of the different branches or bureaus of that department (H. Doc. No. 502); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Illinois, from the Select Committee on Expenditures in the War Department, submitted a report (No. 487) on the act of March 2, 1919, commonly known as the Dent Act, which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SELLS, from the Committee on Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof the bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 488), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARRISH: A bill (H. R. 11051) to provide for the acquisition of a site and the erection of a public building thereon at Henrietta, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. BACHARACH: A bill (H. R. 11052) to provide for the purchase of a site and the erection of a new public building at Atlantic City, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. PARK: A bill (H. R. 11053) to transfer the county of Early from the northern judicial district of Georgia to the southern judicial district of Georgia; to the Committee on the Judiciary.

By Mr. LUFKIN: A bill (H. R. 11054) to authorize the establishment of a fisheries experiment station on the coast of Massachusetts; to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY T. RAINEY: A bill (H. R. 11055) to make the rate of postage on all mail matter of the first class within the limits of any post-office delivery district 1 cent for each ounce or fraction thereof; to the Committee on the Post Office and Post Roads.

By Mr. DAVEY: A bill (H. R. 11056) to increase the limit of cost of a public building at Akron, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNELL: A bill (H. R. 11057) to provide for an examination and survey of Jamaica Bay, in the harbor of New York; to the Committee on Rivers and Harbors.

By Mr. ROGERS: A bill (H. R. 11058) for the reorganization and improvement of the foreign service of the United States; to the Committee on Foreign Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 11059) providing for the licensing the importation, exportation, manufacture, storage, or distribution of sugar; to the Committee on Agriculture.

By Mr. HAYDEN: A bill (H. R. 11060) providing for a transportation corps in the Army; to the Committee on Military Affairs.

By Mr. MAJOR: A bill (H. R. 11061) to provide for the erection of a public building at Slater, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 416) providing for the consideration of House report 487 of the Select Committee on Expenditures in the War Department; to the Committee on Rules.

By Mr. CRISP: Joint resolution (H. J. Res. 258) to cede the Point Peter Military Reservation, in Georgia, to the State of Georgia; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 259) providing for an investigation leading to establishment of industry for manufacture of sugar and kindred products from sweet potatoes; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11062) granting a pension to Hector C. Bryant; to the Committee on Pensions.

By Mr. BOWERS: A bill (H. R. 11063) granting an increase of pension to George W. Zinn; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 11064) granting an increase of pension to Austin A. Yates; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 11065) granting a pension to Isabella B. Slayter; to the Committee on Pensions.

By Mr. ELSTON: A bill (H. R. 11066) for the relief of the Shipowners' & Merchants' Tugboat Co.; to the Committee on Claims.

Also, a bill (H. R. 11067) to refund certain duties paid by W. Loaiza & Co.; to the Committee on Claims.

By Mr. WARD: A bill (H. R. 11068) for the relief of Maj. R. W. Gansmann; to the Committee on Claims.

By Mr. HAYS: A bill (H. R. 11069) granting an increase of pension to John H. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11070) granting an increase of pension to William Roberts; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 11071) granting a pension to Mary Le Roy; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 11072) granting a pension to Matilda M. Howard; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11073) granting a pension to Charles Knight; to the Committee on Pensions.

Also, a bill (H. R. 11074) granting a pension to Louisa Engelhardt; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 11075) to amend the military record of Samuel T. King; to the Committee on Military Affairs.

Also, a bill (H. R. 11076) for the relief of Oscar Pope; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

219. By the SPEAKER (by request): Petition of R. E. Thomas, of Painesville, Ohio, demanding that President Wilson be impeached; to the Committee on the Judiciary.

220. Also (by request), petition of sundry citizens of Lithuanian origin, of Philadelphia, for withdrawal of Polish troops from Lithuania; to the Committee on Foreign Affairs.

221. By Mr. BOWERS: Petition of Elkins Lodge, No. 1130, Benevolent and Protective Order of Elks, of Elkins, W. Va., for deportation of disloyal aliens; to the Committee on Immigration and Naturalization.

222. Also, petition of Martinsburg Lodge, No. 778, Benevolent and Protective Order of Elks, pledging support to the Government in stamping out bolshevism and I. W. W.'s in America; to the Committee on the Judiciary.

223. By Mr. CRAGO: Petition of National Camp, Patriotic Order Sons of America, regarding Mexican situation; to the Committee on Foreign Affairs.

224. Also, petition of National Camp, Patriotic Order Sons of America, urging economy in all branches of the Government; to the Committee on Military Affairs.

225. By Mr. CULLEN: Petition of New York Commandery of the Military Order of the Loyal Legion of the United States, favoring additional compensation for the volunteer officers of the War of 1861-1865; to the Committee on Military Affairs.

226. Also, petition of John Mitchel Branch, Friends of Irish Freedom, favoring House bill 3404; to the Committee on Foreign Affairs.

227. By Mr. ESCH: Petition of the Mid-West-Gulf-South Atlantic foreign trade and transportation committee concerning policy for the United States Shipping Board; to the Committee on the Merchant Marine and Fisheries.

228. Also, petition of sundry citizens of La Crosse County, Wis., favoring two-year extension of Government control of railroads; to the Committee on Interstate and Foreign Commerce.

229. Also, petition of Hebrew Veterans of the Wars of the Republic, protesting against the treatment of the Jews in Ukraine; to the Committee on Foreign Affairs.

230. Also, petition of Bring Home the Soldier Dead League, favoring the bringing home of the soldier dead from France; to the Committee on Military Affairs.

231. Also, petition of American Electrochemical Society, for continuance of the Chemical Warfare Service; to the Committee on Military Affairs.

232. Also, petition of National Association of Ice Industries for return of railroads to their owners; to the Committee on Interstate and Foreign Commerce.

233. By Mr. FULLER of Illinois: Petition of S. D. Haight Post, No. 348, Michigan; Victor Post, No. 293, Kansas; General N. D. Baker Post, No. 88, Iowa; G. L. Nevius Post, No. 1, Illinois; Grand Army of the Republic, all favoring the early passage of the Fuller bill, House bill 9369; to the Committee on Invalid Pensions.

234. Also, petition of National Camp, Patriotic Order Sons of America, presenting remedies for reducing the high cost of living; to the Committee on Military Affairs.

235. Also, petition of Landis Lodge, No. 342, Railway Clerks, opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

236. By Mr. GALLIVAN. Petition of Roger Casement Branch, Friends of Irish Freedom, supporting House bill 3404; to the Committee on Foreign Affairs.

237. By Mr. GRIEST: Petition of Lodge No. 134, Benevolent and Protective Order of Elks, of Lancaster, Pa., urging legislation providing for the deportation of aliens in this country who are members of the Industrial Workers of the World or other organization of like tendencies; to the Committee on Immigration and Naturalization.

238. By Mr. JOHNSTON of New York: Petition of sundry citizens of New York, favoring six months' pay for soldiers, sailors, and marines; to the Committee on Military Affairs.

239. By Mr. LINTHICUM: Petition of J. A. Bokel Co., of Baltimore, Md., favoring reduction in rate for local mail; to the Committee on the Post Office and Post Roads.

240. Also, petition of W. M. Burgan, of Baltimore, Md., favoring budget legislation; to the Committee on Appropriations.

241. Also, petition of the Engineers' Club of Baltimore, favoring House bill 6649 and Senate bill 2232; to the Committee on Expenditures in the Interior Department.

242. Also, petition of Lieut. H. L. McCorkle Camp, No. 2, Department of Tennessee, United Spanish War Veterans, for increase in pay of employees of the National Soldiers' Homes; to the Committee on Reform in the Civil Service.

243. Also, petition of sundry members of the Monumental Lodge, No. 567, opposing Cummins and Esch bills; to the Committee on Interstate and Foreign Commerce.

244. By Mr. McGLENNON: Petition of Belleville Lodge, No. 1123, Benevolent and Protective Order of Elks, regarding I. W. W. and bolshevism in this country; to the Committee on the Judiciary.

245. Also, petition of Plunkett Branch, Friends of Irish Freedom, commending Senate for rejecting league of nations; to the Committee on Foreign Affairs.

246. Also, petition of National Camp, Patriotic Order Sons of America, presenting resolutions on the high cost of living and the Mexican situation; to the Committee on Military Affairs.

247. By Mr. MOONEY: Petition of sundry citizens of Ohio, favoring continuance of Sugar Equalization Board; to the Committee on Agriculture.

248. Also, petition of Grand Lodge, Benevolent and Protective Order of Elks, for protection and preservation of American elk herds and favoring passage of House bill 1412; to the Committee on the Public Lands.

249. By Mr. MURPHY: Memorial of Martins Ferry Post, No. 58; Bellaire Post, No. 52; Neffs Post, No. 77; St. Clairsville Post, No. 112; Barnesville Post, No. 168; Bridgeport Post; and Epworth (Bethesda) Post, No. 90, American Legion, all in the State of Ohio, praying for legislation to suppress all anti-American propaganda in the United States; to the Committee on the Judiciary.

250. By Mr. O'CONNELL: Petition of Southern Oil & Transport Corporation and others, regarding oil situation in Mexico; to the Committee on Foreign Affairs.

251. Also, petition of department of labor, State of New York, opposing legislation which would place the Bureau of Mines in control of the explosives industry; to the Committee on Mines and Mining.

252. Also, petition of Military Order of the Loyal Legion of the United States, New York Commandery, favoring recognition for volunteer officers who served in the war 1861 to 1865; to the Committee on Military Affairs.

253. Also, petition of National Indian War Veterans for increase in pensions of Indian war veterans; to the Committee on Pensions.

254. By Mr. RAKER: Petition of L. E. Gibson, secretary Dunsmuir Lodge, No. 1025, Brotherhood of Railway Conductors of America, and Boilermakers, No. 24, of Sacramento, Calif., supporting House bill 10367; to the Committee on Interstate and Foreign Commerce.

255. By Mr. ROWAN: Petition of department of labor, State of New York, opposing legislation which would place the Bureau of Mines in control of the explosives industry; to the Committee on Mines and Mining.

256. Also, petition of New York State Association of Supervisory Post Office Employees, favoring Sterling-Lehlbach retirement bill; to the Committee on Reform in the Civil Service.

257. Also, petition of New York Commandery, Military Order of the Loyal Legion, for additional compensation for volunteer officers of the War of 1861-1865; to the Committee on Military Affairs.

258. Also, petition of National Camp, Patriotic Order Sons of America, presenting resolutions on reducing the high cost of living and the Mexican situation; to the Committee on Military Affairs.

259. Also, petition of John Mitchell Branch, Friends of Irish Freedom, for passage of House bill 3404; to the Committee on Foreign Affairs.

260. By Mr. ROWE: Petition of 61 residents of the sixth congressional district of New York, urging the passage of the bill giving six months' pay to soldiers and sailors who participated in the great world conflict; to the Committee on Ways and Means.

261. By Mr. STINESS: Petition of Division 4, Ancient Order of Hibernians, of Providence, R. I., favoring House bill 3404; to the Committee on Foreign Affairs.

262. Also, petition of Ukrainian Protest Committee, representing United Jews of Rhode Island, protesting against atrocities committed against Jews in Ukraine; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, December 11, 1919.

(Legislative day of Wednesday, December 10, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

ASLE J. GRONNA, a Senator from the State of North Dakota, appeared in his seat to-day.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	La Follette	Sheppard
Ball	Gay	Lenroot	Sherman
Bankhead	Hale	McLean	Smith, S. C.
Beckham	Harris	McNary	Smoot
Culder	Johnson, S. Dak.	Myers	Spencer
Capper	Jones, Wash.	Nelson	Trammell
Colt	Kellogg	New	Wadsworth
Cummins	Keyes	Nugent	Warren
Dial	King	Overman	Watson
Fernald	Kirby	Page	
Fletcher	Knox	Philips	

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is absent on official business.

The PRESIDENT pro tempore. Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. CULBERSON and Mr. STERLING answered to their names when called.

Mr. CHAMBERLAIN, Mr. KENYON, Mr. JONES of New Mexico, Mr. McKELLAR, Mr. POMERENE, Mr. ELKINS, Mr. HARRISON, Mr. MOSES, Mr. CURTIS, Mr. WALSH of Montana, and Mr. TOWNSEND entered the Chamber and answered to their names.

Mr. SMOOT. I wish to announce the absence on account of illness of the Senator from Maryland [Mr. FRANCE].

Mr. SHEPPARD. The Senator from Georgia [Mr. SMITH], the Senator from Kentucky [Mr. STANLEY], and the Senator from Missouri [Mr. REED] are absent on public business.

Mr. WALSH of Montana. I have been requested to announce that the Senator from Nevada [Mr. PITTMAN] and the Senator from Virginia [Mr. SWANSON] are detained by illness in their families.